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**1998**

# ***Illinois Register***

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**Rules of Governmental Agencies**

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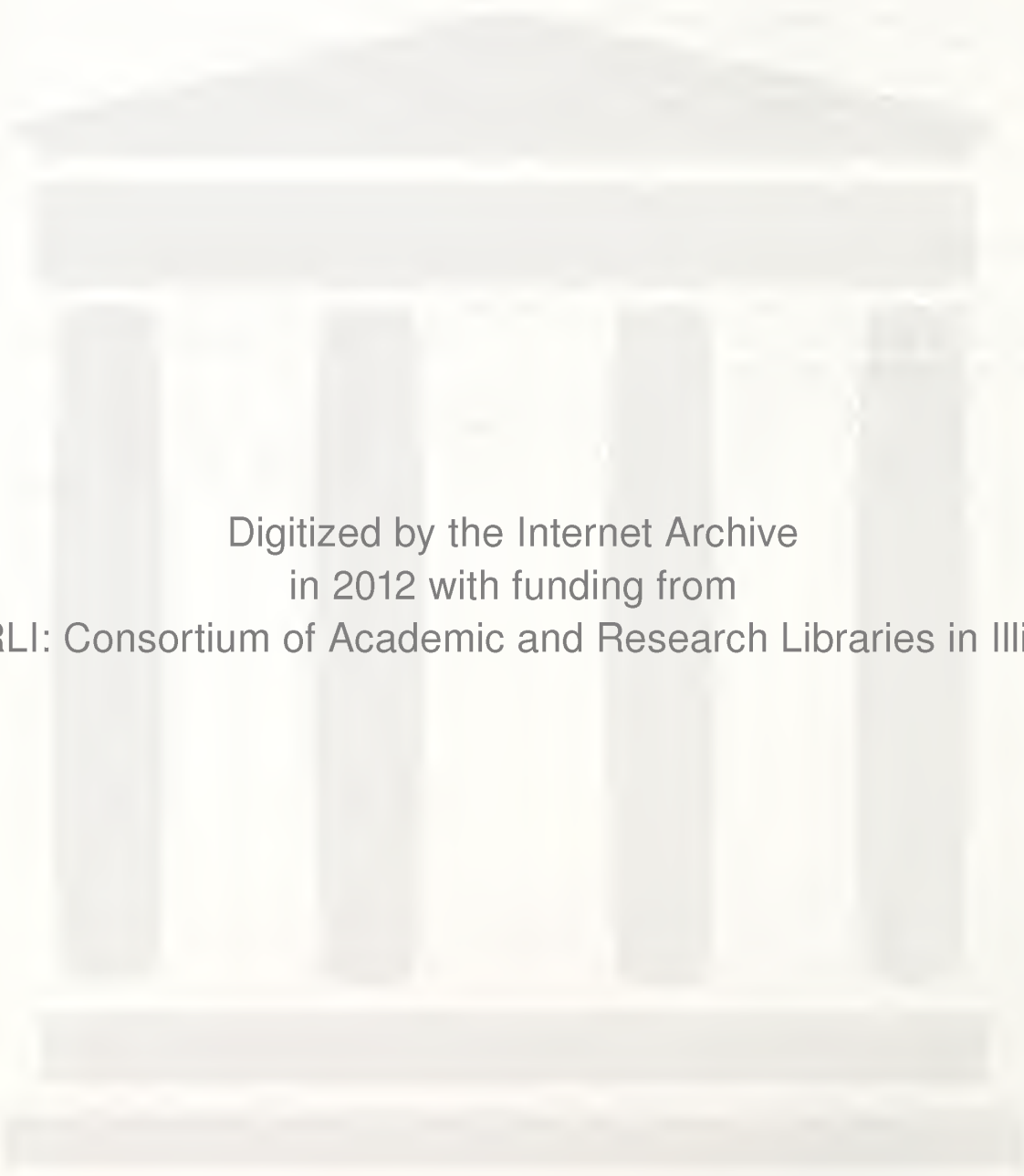
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**Editor's Note:** The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are as follows:

April	17, 1998 - Issue 16: Through	March	31, 1998
July	17, 1998 - Issue 29: Through	June	30, 1998
October	16, 1998 - Issue 42: Through	September	30, 1998
January	15, 1999 - Issue 3: Through	December	31, 1998 (Annual)



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## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Adoption Services for Children for Whom the Department of Children and Family Services is Legally Responsible

2) Code of Citation: 89 Ill. Adm. Code 309

3) Section Numbers:  
 309.20 Proposed Action:  
 Amendment  
 309.50 Amendment  
 309.105 New  
 309.130 Amendment  
 309.170 Amendment  
 309.190 Amendment

4) Statutory Authority: The Children and Family Services Act [20 ILCS 505] and the Adoption Act [750 ILCS 50].

5) A Complete Description of the Subjects and Issues Involved: The Department is amending Part 309 as follows:

In Section 309.20, the term "race" from the definition of "Best interest" is being deleted and the term "permanence for the child" in the same definition, is being expanded to be consistent with the definition contained in Public Act 90-608.

In Section 309.50 Identification of Children for Potential Adoption Planning, the grounds for determining parental unfitness are being expanded to include the new grounds added by Public Act 90-608.

Section 309.105, Who May Adopt a Child, was added for clarification and is consistent with the provision in the Adoption Act [750 ILCS 50/2].

In Section 309.130, Placement Consideration, the consideration that the prospective adoptive family provide an environment which respects the child's race, ethnicity and cultural heritage is being eliminated to comply with Section 1808, Removal of Barriers to Inter-ethnic Adoption provisions of the Small Business Job Protection Act of 1996.

In Section 309.170, Post Adoption Services, the use of the term "notarized consent" is replaced with the term "consent witnessed by an adult third party". Requiring notarized consents placed an undo burden on persons seeking identifying information or contacts among members of the adoption triad.

In Section 309.190, Adoption Registry, the provision that the Adoption Registry must have a written consent from the adoptive parents, and/or from the adopted child who attained the age of 18 in order to give non-identifying information about the biological parents to adoptive parents or adopted child, has been eliminated to comply with the Adoption

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Act [750 ILCS 50/18.4].

6) Will this proposed amendment replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Mr. Jerry B. Crabtree  
 Office of Child and Family Policy  
 Department of Children and Family Services  
 406 E. Monroe, Station #65  
 Springfield, Illinois 62703-1498  
 (217) 524-1983  
 TDD: (217) 524-3715  
 E-Mail: ORPINFO@pop.state.il.us

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: The amendments adding new grounds for termination of parental rights were outlined in the July 1998 Regulatory Agenda, 22 Ill. Reg. 14354.

All other amendments were not foreseen in the July 1998 Regulatory Agenda.

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The full text of the Proposed Amendment begins on the next page:

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES  
SUBCHAPTER a: SERVICE DELIVERY

## PART 309

## ADOPTION SERVICES FOR CHILDREN FOR WHOM THE DEPARTMENT OF CHILDREN AND FAMILY SERVICES IS LEGALLY RESPONSIBLE

Section	Purpose
309.10	Purpose
309.20	Definitions
309.30	Recruitment of Adoptive Families
309.40	Adoption Listing Services
309.50	Identification of Children for Potential Adoption Planning
309.60	Legal Risk Placements
309.70	Freeing Children for Adoption
309.80	Termination of Parental Rights
309.90	Putative Father Registry
309.100	Preparation of Children for Adoption
309.105	Who May Adopt a Child
309.110	Preparation and Training of Adoptive Families
309.120	Preparation of the Child's Biological Parents
309.130	Placement Considerations
309.140	Placement of Children with Adoptive Families
309.150	Providing Information to Adoptive Families
309.160	Post-Placement Services
309.170	Post-Adoption Services
309.180	Adoption Assistance
309.190	Adoption Registry

**AUTHORITY:** Implementing and authorized by Sections 4 and 5 of the Children and Family Services Act [20 ILCS 505/4 and 5] and the Adoption Act [750 ILCS 50]; implementing the Adoption Assistance and Child Welfare Act of 1980 (42 USCA 670 et seq.; 45 CFR 1356.40 and 1356.41); the Adoption and Safe Families Act (P.L. 105-89).

**SOURCE:** Adopted at 22 Ill. Reg. 8769, effective May 15, 1998; amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 309.20 Definitions

"Adoption assistance" or "adoption subsidy" means financial assistance and other services from the Department which are provided to the adoptive parents after the finalization of an adoption of a child with special needs as defined in Section 309.180.

"Adoption placement" means a living arrangement with a family which is directed toward establishing that family as the child's new legal

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parents.

"Adoption triad" means the adoptive family, the adoptee (child being adopted) and the biological family.

"Adult" means a person who has attained the age of 18.

"Attachment" means the lasting psychological tie between two people who have significance for each other that endures through space and time and serves to join them emotionally.

"Best interests" as defined in the Juvenile Court Act of 1987 means consideration of the following factors in the context of the child's age and developmental needs:

*the physical safety and welfare of the child, including food, shelter, health, and clothing;*

*the development of the child's identity;*

*the child's background and ties, including familial, racial, cultural, and religious;*

*the child's sense of attachments, including:*

*where the child actually feels love, attachment, and a sense of being valued (as opposed to where adults believe the child should feel such love, attachment, and sense of being valued);*

*the child's sense of security;*

*the child's sense of familiarity;*

*continuity of affection for the child;*

*the least disruptive placement alternative for the child;*

*the child's wishes and long-term goals;*

*the child's community ties, including church, school, and friends;*

*the child's need for permanence which includes the child's need for stability and continuity of relationships with parent figures and with siblings and other relatives; permanence-for-the-child;*

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*the uniqueness of every family and child;*

*the risks attendant to entering and being in substitute care; and*

*the preferences of the persons available to care for the child. [705 ILCS 405/1-3]*

"Certification training" means training directed toward preparing a family to adopt a child for whom the Department of Children and Family Services is legally responsible and may consist of the following different types of training:

six hours of training for foster care conversion adoptions which means that a foster parent or relative caregiver is adopting a child who has been in his or her care; or

six hour of standardized training and an additional individualized training plan specific to the child's needs for adoptive parents who have not had the child in their care prior to the adoptive placement; or

training specified by private child welfare agencies who meet the standards of the Council on Accreditation of Services for Families and Children.

"Children for whom the Department of Children and Family Services is legally responsible" means children for whom the Department has temporary protective custody, custody or guardianship via court order, or children whose parents have signed an adoptive surrender or voluntary placement agreement with the Department.

"Confidential intermediary" is an individual appointed by the court for the purpose of obtaining from biological parents or siblings of an adopted person information concerning the background of a psychological or genetically-based medical problem experienced or which may be experienced by the adopted person or obtaining assistance in treating such a problem. [750 ILCS 50/18.3a] A confidential intermediary is obliged by law to protect the identity and privacy of the biological family as well as that of the adoptive family and adopted person.

"Consent to adoption by a specified person" is a voluntary act by the parents to relinquish all parental rights of a child to a person or persons specified by the parents in the specific consent document. Consent to adoption by a specified person is further described in Section 309.70 (Freeing Children for Adoption).



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"Internal legal screening" means an internal review required by the Department prior to referring a case for termination of parental rights for the purpose of freeing a child for adoption. Depending on local practice, a representative of the State's Attorney's Office may participate in the screening. The purpose of the screening is to determine whether sufficient grounds for termination of parental rights exist and whether adoption is in the best interest of the child. Legal screening is further described in Section 309.90.

"Legal risk placement" means the placement with a family of a child, not yet legally free for adoption, made in the best interests of the child with the intent that the family will become an adoptive resource for the child should the child become legally free for adoption.

"Parental unfitness" means a finding by the court that a person is unfit to parent a child, without regard to the likelihood that the child will be placed for adoption. The grounds of unfitness are described in Section 309.50 (Identification of Children for Potential Adoption) and in the Adoption Act [750 ILCS 50].

"Persons approved for adoption" means persons who have been licensed as a foster family home in accordance with 89 Ill. Adm. Code 402 (Licensing Standards for Foster Family Homes) or relative caregivers with whom children have been placed in accordance with 89 Ill. Adm. Code 301 (Placement and Visitation Services) and who also meet the certification requirements of Section 309.110(c) of this Part.

"Post-adoption services" are services meant to assist and support the family in maintaining itself in a healthy and nurturing environment and in preserving the adoption. Post-adoption services may include, but are not limited to, social, psychological, psychiatric, health, educational and adoption preservation services. Financial services are available to families and adoptees following the legal consummation of the adoption, when they are eligible for adoption assistance. Post-adoption services also address the needs of adult adoptees and their biological families to seek information and contact, when desired.

"Putative father" means a male, regardless of age, who may be a child's father, but who was not married to the child's mother on or before the date that the child was or is to be born and for whom paternity of the child has not been established in a court proceeding.

"Surrender for adoption" is a voluntary act by the parents to relinquish all parental rights of a child to an agency for the purpose of placing the child for adoption.

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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"Termination of parental rights" is a legal action of the court or a voluntary action by the parents which relieves the birth parents of a child of all parental responsibility for the child and deprives them of all legal rights with respect to the child.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 309.50 Identification of Children for Potential Adoption Planning

a) The Department shall immediately consider for all children under its care the possibility of adoption when exploring permanency options, and begin adoption planning when it is in the child's best interests and when either the grounds for parental unfitness as defined in the Adoption Act described in subsection (b) below are present or other additional factors as described in subsection (c) or (d) of this Section are present.

b) When any of the grounds for parental unfitness, as defined in the Adoption Act, or expedited termination of parental rights are identified, the following actions shall be taken:

- 1) the parents shall explore the opportunity to voluntarily surrender their child for adoption or consent to the adoption of their child by specified person as described in Section 309.70(c) or (d); or
- 2) if the parents are unwilling to voluntarily surrender or consent to the adoption of the child, the case shall be referred for an internal legal screening in accordance with Section 309.80 (Termination of Parental Rights) to determine whether to seek involuntary termination of parental rights.

c) The following grounds of parental unfitness are defined in Section 1 of the Adoption Act [750 ILCS 50/1] and should be considered when adoption is in the best interests of the child:

- 1) *Abandonment of the child.* Abandonment of a newborn infant in a hospital. Abandonment of a newborn infant in any setting where the evidence suggests that the parent intended to relinquish his or her parental rights.
- 2) *Failure to maintain a reasonable degree of interest, concern or responsibility as to the child's welfare.*
- 3) *Desertion of the child for more than three months next preceding the commencement of the adoption proceeding.*
- 4) *Substantial neglect of the child if continuous or repeated. Substantial neglect, if continuous or repeated, of any child residing in the household which resulted in the death of that child.*
- 5) *Extreme or repeated cruelty to the child.*
- 6) *Two or more findings of physical abuse to any children under Section 4-8 of the Juvenile Court Act or Section 2-21 of the Juvenile Court Act of 1997 [705 ILCS 405], the most recent of*



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which was determined by the juvenile court hearing the matter to be supported by clear and convincing evidence; a criminal conviction or a finding of not guilty by reason of insanity resulting from the death of any child by physical abuse; or a finding of physical child abuse resulting from the death of any child under Section 4-8 of the Juvenile Court Act or Section 2-21 of the Juvenile Court Act of 1987.

- 7) Failure to protect the child from conditions within his environment injurious to the child's welfare.
- 8) Other neglect of, or misconduct toward, the child; provided that in making a finding of unfitness the court hearing the adoption proceeding shall not be bound by any previous finding, order or judgment affecting or determining the rights of the parents toward the child sought to be adopted in any other proceeding except such proceedings terminating parental rights as shall be had under either the Adoption Act, the Juvenile Court Act or the Juvenile Court Act of 1987.
- 9) Depravity.

A) Conviction of any one of the following crimes shall create a presumption that a parent is depraved which can be overcome only by clear and convincing evidence:

- i) first degree murder in violation of paragraph 1 or 2 of subsection (a) of Section 9-1 of the Criminal Code of 1961 or conviction of second degree murder in violation of subsection (a) of Section 9-2 of the Criminal Code of 1961 of a parent of the child to be adopted;
  - ii) first degree murder or second degree murder of any child in violation of the Criminal Code of 1961;
  - iii) attempt or conspiracy to commit first degree murder or second degree murder of any child in violation of the Criminal Code of 1961;
  - iv) solicitation to commit murder of any child, solicitation to commit murder of any child for hire, or solicitation to commit second degree murder of any child in violation of the Criminal Code of 1961; or
  - v) aggravated criminal sexual assault in violation of Section 12-14(b)(1) of the Criminal Code of 1961.
- B) There is a rebuttable presumption that a parent is depraved if the parent has been criminally convicted of at least 3 felonies under the laws of this State or any other state, or under federal law, or the criminal laws of any United States territory; and at least one of these convictions took place within 5 years of the filing of the petition or motion seeking termination of parental rights.
- C) There is a rebuttable presumption that a parent is depraved if that parent has been criminally convicted of either first or second degree murder of any person as defined in the

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Criminal Code of 1961 within 10 years of the filing date of the petition or motion to terminate parental rights.

- 10) Open and notorious adultery or fornication.
- 11) Conviction of--any-one-of--the-following-crimes-shall-create-a presumption-of-unfitness-that-may-be-overcome-only-by-clear-and-convincing-evidence---first-degree-murder-in-violation-of-paragraph-one-or-two-of-subsection-(a)--of--Section-9-1-of--the-Criminal-Code--of--1961-or-conviction-of-second-degree-murder-in-violation-of-subsection-(a)-of-Section-9-2-of-the-Criminal-Code-of-1961--of--a-parent--of--the-child--to-be-adopted-a-criminal conviction-of-first-degree-murder-or-second-degree-murder-of-any-child-in-violation-of--the-Criminal-Code-of-1961-a-criminal conviction-of-attempt-or-conspiracy-to-commit-first-degree-murder-or-second-degree-murder-of-any-child-in-violation-of-the-Criminal Code-of-1961-a-criminal conviction-of-solicitation-to-commit-murder-of-any-child-for-hire-or-solicitation-to-commit-second-degree-murder-of-any-child-in-violation-of-the-Criminal-Code-of-1961-or-a-criminal conviction-of-aggravated-criminal-sexual-assault-in-violation-of-Section-12-14(b)(1)-of-the-Criminal-Code-of-1961-

12) Habitual drunkenness or addiction to drugs, other than those prescribed by a physician, for at least one year immediately prior to the commencement of the unfitness proceeding. There is a rebuttable presumption that a parent is unfit under this subsection (c) with respect to any child to which that parent gives birth where there is a confirmed test result that at birth the child's blood, urine, or meconium contained any amount of a controlled substance as defined in subsection (f) of Section 102 of the Illinois Controlled Substances Act or metabolites of such substances, the presence of which in the newborn infant was not the result of medical treatment administered to the mother or the newborn infant; and the biological mother of this child is the biological mother of at least one other child who was adjudicated a neglected minor under subsection (c) of Section 2-3 of the Juvenile Court Act of 1978.

12) Failure to demonstrate a reasonable degree of interest, concern or responsibility as to the welfare of a newborn child during the first 30 days after its birth.

13) Failure by a parent to make reasonable efforts to correct the conditions that were the basis for the removal of the child from the parent, or to make reasonable progress toward the return of the child to the parent within 9 months after an adjudication of neglected or abused minor or dependent minor under the Juvenile Court Act or the Juvenile Court Act of 1987. If a service plan has been established as required under Section 8.2 of the Abused and Neglected Child Reporting Act to correct the conditions that were the basis for the removal of the child from the parent and if those services were available, then, for purposes of this



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Part, "failure to make reasonable progress toward the return of the child to the parent" includes the parent's failure to substantially fulfill his or her obligations under the service plan and correct the conditions that brought the child into care within 9 months after the adjudication under Section 2-3 or 2-4 of the Juvenile Court Act of 1987.

14) Pursuant to the Juvenile Court Act of 1987, a child has been in foster care for 15 months out of any 22 month period which begins on or after June 30 of 1998 unless the child's parent can prove by a preponderance of the evidence that it is more likely than not that it will be in the best interests of the child to be returned to the parent within 6 months of the date on which a petition for termination of parental rights is filed under the Juvenile Court Act of 1987.

A) The 15 month time limit is tolled during any period for which there is a court finding that the appointed custodian or guardian failed to make reasonable efforts to reunify the child with his or her family, provided that:

1) the finding of no reasonable efforts is made within 60 days of the period when reasonable efforts were not made; or

2) the parent filed a motion requesting a finding of no reasonable efforts within 60 days of the period when reasonable efforts were not made.

B) For purposes of this ground the date of entering foster care is the earlier of:

1) the date of a judicial finding at an adjudicatory hearing that the child is an abused, neglected, or dependent minor; or

2) 60 days after the date on which the child is removed from his or her parent, guardian, or legal custodian.

15) Evidence of intent to forego his or her parental rights, whether or not the child is a ward of the court:

A) as manifested by his or her failure for a period of 12 months:

1) to visit the child;

2) to communicate with the child or agency, although able to do so and not prevented from doing so by an agency or by court order; or

3) to maintain contact with or plan for the future of the child, although physically able to do so; or

B) as manifested by the father's failure, where he and the mother of the child were unmarried to each other at the time of the child's birth:

1) to commence legal proceedings to establish his paternity under the Illinois Parentage Act of 1984 [750 ILCS 45] or the law of the jurisdiction of the child's birth within 30 days of being informed,

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pursuant to Section 12a of the Adoption Act; that he is the father or the likely father of the child or, after being so informed where the child is not yet born, within 30 days of the child's birth, or

ii) of the expenses related to the birth of the child and to provide a reasonable amount for the financial support of the child, the court to consider in its determination all relevant circumstances, including the financial condition of both parents; provided that the ground for termination provided in this subsection (b) shall only be available where the petition is brought by the mother or the husband of the mother.

16) repeated or continuous failure by the parents, although physically and financially able, to provide the child with adequate food, clothing, or shelter.

17) inability to discharge parental responsibilities supported by competent evidence from a psychiatrist, licensed clinical social worker, or clinical psychologist of mental impairment, mental illness, or mental retardation as defined in Section 1-116 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/1-116]; or developmental disability as defined in Section 1-106 of that Code, and there is sufficient justification to believe that the inability to discharge parental responsibilities shall extend beyond a reasonable time period.

18) The parent has been criminally convicted of aggravated battery, heinous battery, or attempted murder of any child a finding of physical abuse of the child under Section 4-9 of the Juvenile Court Act or Section 2-21 of the Juvenile Court Act of 1987 and a criminal conviction of aggravated battery of the child.

19) a finding that at birth the child's blood or urine contained any amount of a controlled substance as defined in subsection (f) of Section 102 of the Illinois Controlled Substances Act, or a metabolite of a controlled substance, with the exception of controlled substances or metabolites of such substances, the presence of which in the newborn infant was the result of medical treatment administered to the mother or the newborn infant, and that the biological mother of this child is the biological mother of at least one other child who was adjudicated a neglected minor under subsection (c) of Section 2-3 of the Juvenile Court Act of 1987, after which the biological mother had the opportunity to enroll in and participate in a clinically appropriate substance abuse drug counseling, treatment, and rehabilitation program.

20) the child is in the temporary custody or guardianship of the Department of Children and Family Services; the parent is incarcerated as a result of criminal conviction at the time the petition or motion for termination of parental rights is filed, prior to incarceration the parent had little or no contact with

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the child or provided little or no support for the child, and the parent's incarceration will prevent the parent from discharging his or her parental responsibility for the child for a period in excess of 2 years after the filing of the petition or motion for termination of parental rights.

21) the child is in the temporary custody or guardianship of the Department of Children and Family Services, the parent is incarcerated at the time the petition or motion for termination is filed, the parent had been repeatedly incarcerated as a result of criminal convictions, and the parent's repeated incarceration has prevented the parent from discharging his or her parental responsibilities for the child.

## d) Expedited Termination of Parental Rights

At any time between case opening and 30 days prior to an adjudicatory hearing, if it becomes known that one or more of the grounds for parental unfitness listed in subsection (d)(1) or (2) exist, the caseworker will seek immediate supervisory consultation to request that a legal screening be convened in accordance with Section 309.80 (Termination of Parental Rights). The purpose of the legal screening will be to determine whether the State's Attorney should be asked to file a petition for expedited termination of parental rights.

1) Grounds for which expedited termination of parental rights must be sought are:

- A) extreme or repeated cruelty to the child;
- B) a finding of physical abuse and criminal conviction of aggravated battery of the child;
- C) conviction of: first degree murder in violation of Section 9-1(a)(1) or (2) of the Criminal Code of 1961 or conviction of second degree murder in violation of Section 9-2(a) of the Criminal Code of 1961 of a parent of the child to be adopted; a criminal conviction of first degree murder or second degree murder of any child in violation of the Criminal Code of 1961; a criminal conviction of attempt or conspiracy to commit first degree murder or second degree murder of any child in violation of the Criminal Code of 1961; a criminal conviction of solicitation to commit murder of any child, solicitation to commit murder of any child for hire, or solicitation to commit second degree murder of any child in violation of the Criminal Code of 1961; or criminal conviction of aggravated criminal sexual assault in violation of Section 12-14(b)(1) of the Criminal Code of 1961;

D) abandonment of a newborn infant in a hospital;

E) abandonment of a newborn infant in a setting where the evidence suggests that the parent intended to relinquish parental rights;

F) incarceration of a parent as a result of a criminal conviction where prior to incarceration the parent had

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little or no contact with the child or provided little or no support of the child, and the parent's incarceration will prevent the parent from discharging his or her parental responsibilities for the child for a period of two years after the filing of the petition or motion for termination of parental rights.

2) Grounds for which expedited termination of parental rights shall be considered are:

- A) abandonment of the child (other than newborn infant);
- B) desertion;
- C) inability to discharge parental responsibility due to mental illness, mental impairment or developmental disability;
- D) a finding that at birth the child's blood or urine contained any amount of a controlled substance as defined in subsection (f) of Section 102 of the Illinois Controlled Substance Act, or a metabolite of a controlled substance, with the exception of controlled substance or metabolites of such substances, the presence of which in the newborn infant was the result of medical treatment administered to the mother or the newborn infant, and that the biological mother of this child is the biological mother of at least one other child who was adjudicated a neglected minor under subsection (c) of Section 2-3 of the Juvenile Court Act of 1987, after which the biological mother had the opportunity to participate in a drug counseling, treatment, and rehabilitation program.

e) Other additional factors to be considered in identifying the possibility of adoption for a child are:

- 1) the parent has signed or indicated a desire to sign a consent or surrender for adoption;
- 2) the parents have previously signed a consent or surrender for adoption with regards to other children in the past and those children were the subjects of abuse, neglect or dependency petitions and/or parental rights have been terminated with regard to other children in the past, thus indicating that there may be risk of harm to other children in the parents' care; or
- 3) the parent has made unsatisfactory progress in correcting the conditions which led to the removal of his or her children, resulting in a rating of unsatisfactory progress which may be indicative of parental unfitness and return home to either parent is unlikely.

f) The child's case shall be assessed to determine if any of the grounds for parental unfitness or other factors listed above exist:

- 1) when the Department first assumes custody of the child;
- 2) within 30 days after case opening;
- 3) at each administrative case review; and
- 4) at no less than quarterly reviews and supervisory meetings.



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(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 309.105 Who May Adopt a Child

a) Any of the following persons, who is under no legal disability (except the minority specified in subsection (a)(2)) and who has resided in the State of Illinois continuously for a period of at least 6 months immediately preceding the commencement of an adoption proceeding, or any member of the armed forces of the United States who has been domiciled in the State of Illinois for 90 days, may institute such proceedings:

1) A reputable person of legal age and of either sex, provided that if such person is married and has not been living separate and apart from his or her spouse for 12 months or longer, his or her spouse shall be a party to the adoption proceeding, including a husband or wife desiring to adopt a child of the other spouse, in all of which cases the adoption shall be by both spouses jointly;

2) A minor, by leave of court upon good cause shown.

b) The residence requirement specified in subsection (a) of this Section shall not apply to an adoption of a related child or to an adoption of a child placed by an agency. [750 ILCS 50/2]

(Source: Added at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 309.130 Placement Considerations

a) Consideration of the Child's Needs

The child's needs and best interests shall be the primary consideration when selecting an adoptive family for a child. The factors to be considered shall include, but are not limited to:

- 1) the wishes of the child under 14 years of age, who demonstrates the maturity and cognitive ability to participate in the decision;
- 2) the physical, mental, and emotional needs of the child;
- 3) the child's need for stability and continuity of relationship with parent figures;
- 4) the interaction between the child and the prospective adoptive parent;
- 5) the prospective adoptive parent's ability to meet the physical, mental, and emotional needs of the child;
- 6) the prospective adoptive parents' ability and willingness to support, maintain and continue to be sensitive to the child's significant relationships with the child's extended family, siblings, and any other significant persons who played an important part in the child's life or to whom the child has established significant emotional ties;

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7) ~~the ability--of--the--prospective--adoptive--family--to--provide--an environment--which--would--respect--the--child's--racial--ethnicity--and cultural--heritage;~~

7) ~~the results of an assessment of the child's capacity for attachment conducted in accordance with subsection (b)(7) below; and~~

8) ~~the consent of a child 14 years of age or older.~~

b) Other Placement Considerations  
The following factors must also be considered when selecting an adoptive placement for a child:

1) Siblings: Sibling groups are to be placed together whenever possible. A decision to place siblings apart shall be based on a carefully documented and reviewed determination that such a separation will be in the best interests of all the siblings involved.

2) Foster Parent Preference: In accordance with the Adoption Act, licensed foster parents who have cared for a child for a continuous period of one year or more shall be given preference and first consideration over all other applicants for the adoption of that child in their home when adoption is the permanency goal, the child is legally free for adoption and adoption is in the child's best interests.

3) Consideration of Relatives: The Department may consider relatives as a potential adoptive resource for children who do not have an identified adoptive resource and are not going to be adopted by their current caregiver.

4) Parenting Capacity of Adoptive Parents: Adoptive parents shall be selected who are likely to retain their parenting capacities or are effectively able to adapt to the needs of the child as they grow, change and develop. Assessments shall include such information as the family's future plans for financial security, child care and supports for child rearing in the event of a significant illness or death of the adoptive parents.

5) Religion: The best interests of the child shall be the prime consideration in the placement of a child for adoption. A child shall be placed, whenever possible, with adoptive parents holding the same religious belief as that of the child. (See 750 ILCS 50/15.)

6) Communication Needs: In the case of a child who is hearing impaired, the child shall be placed in a home where one of the members is able to communicate in the child's preferred mode of communication; e.g., sign language. In the case of a limited/non-English speaking child, the child shall be placed in a home where at least one person speaks the child's primary language. In an otherwise suitable adoptive home, placement shall not be denied if the prospective adoptive parents have enrolled in a language course to learn the method of communication used by the child prior to finalization of the



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adoption.

- 7) Level of Attachment: When there is some question about a child's level of or capacity for attachment, the Department shall assess the child's level of or capacity for attachment in making an adoptive placement decision. Such assessments require prior supervisory approval after consultation with Department adoption staff.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 309.170 Post-Adoption Services

## a) Purpose of Post-Adoption Services

Services after adoption of a child are often essential in maintaining the adoptive family unit and empowering families to be advocates in the community for their children's needs. Consequently, the Department will provide post-adoption services in order to reduce the risk of adoption dissolution and to support the goal of permanency in adoption.

## b) Post-Adoption Services

The Department provides the following post-adoption services either directly or through purchase of service providers:

- 1) Adoption preservation services will be provided to families with adopted children under age 18. These services are provided in accordance with 89 Ill. Adm. Code 302 (Services Delivered by the Department) Subpart D: Intensive Family Preservation Services, and through other contracts with service providers.
- 2) Services to families receiving adoption assistance as described in 89 Ill. Adm. Code 302.310 (Adoption Assistance). These services include:
  - A) assisting families to utilize and access services available to them through adoption assistance;
  - B) assisting adoptive parents of children with developmental disabilities to access services available through the Illinois Department of Human Services;
  - C) assisting families who are eligible for conditional adoption assistance to access benefits at such time as their children's condition warrants treatment or professional intervention.
- 3) Search and on-going sharing of information among members of the adoption triad. This service includes:
  - A) providing to adults who had been the legal responsibility of the Department or to biological families of adult adoptees adopted through the Department, when they have requested information in writing:
    - i) non-identifying information regarding their biological background when requested;

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- ii) attempts to locate biological family members for purposes of updating social history and/or medical information, if desired;
  - iii) identifying information upon the successful completion of a search, when notarized consents that have been witnessed by an adult third party from all members of the adoption triad birth-parents-and-adoptees are received. The Department will provide names, addresses, and telephone numbers so that they may arrange a reunion provided that notarized consents that have been witnessed by an adult third party from all birth parents and adult adoptees are received;
  - iv) updated medical and psychosocial information between members of the adoption triad, when notarized consents from all birth parents and adult adoptees have been received.
- B) acting as or cooperating with confidential intermediaries appointed by the court in accordance with the Adoption Act [750 ILCS 50/18.3a]. In addition, the Department will maintain a list of confidential intermediaries who have been trained and certified by the Department.
- C) providing to adoptive parents of minor children, if requested, non-identifying information on a child's background, if this information is available. The Department will also facilitate the exchange of updated medical and psychosocial information between members of the adoption triad and facilitate contact when members of the triad have signed notarized consents that have been witnessed by an adult third party.
- D) facilitating contact between adoptees and their siblings when one or more is still in the Department's care or adopted elsewhere with the notarized consent that has been witnessed by an adult third party of the adoptive parents of a minor child.
- E) facilitating contact, with the notarized consent of the adoptive parents that has been witnessed by an adult third party, between adoptees who are minors and significant relationships in the minor adoptee's past when such contact has been established to be necessary to the adoptee's best interests, when all involved parties have provided written notarized consent witnessed by an adult third party for release of such identifying information.
- 4) Information and referral to services available in the community which would be of benefit to the adoption triad. These services would include, but not be limited to: adoption preservation services, therapists sensitive to the issues of adoption, education advocates to assist families to obtain special services, mental health agencies, support groups, respite care,

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financial services and professional search groups. The Department, through its agent, will maintain a listing of post-adoption services and will make this information available to persons upon request.

- 5) The Department will also provide to any interested adult adoptee, biological parents and siblings information regarding the Illinois Adoption Registry described in Section 309.190 of this Part.

c) Who is Eligible for Post-Adoption Services

Post-adoption services are available to:

- 1) Families who have adopted children for whom the Department of Children and Family Services had legal responsibility immediately preceding the adoption. These families are eligible for the services described in subsections (b)(1), adoption preservation services, (b)(2), adoption assistance, if they meet eligibility criteria, (b)(3), search and ongoing sharing of information, and (b)(4), information and referral.

- 2) Families who adopt children for whom the Department did not have legal responsibility prior to adoption. These families are eligible for the services described in subsection (b)(1), adoption preservation services, if sufficient financial resources exist after adoption preservation services are provided to children for whom the Department of Children and Family Services had been legally responsible, and subsection (b)(4), information and referral.

- 3) Biological families of children adopted through the Department. These families are eligible for the services described in subsections (b)(3), search and ongoing sharing of information, and (b)(4) information and referral.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 309.190 Adoption Registry

- a) Effective with the establishment of an Adoption Registry under the auspices of the Department of Public Health, the Department of Children and Family Services shall provide information about Adoption Registry services. The address of the Adoption Registry is as follows:

The Adoption Registry  
Illinois Department of Public Health  
605 W. Jefferson  
Springfield, Illinois 62702-6553  
(217) 782-6553

- b) The services shall consist of:

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- 1) providing written notification to the biological parents who wish to surrender a child for purposes of adoption or wish to consent to the adoption of a child by a specified person which describes the Adoption Registry, the process for recording their names with the Adoption Registry, the procedures for sharing identifying information with the child who was surrendered for adoption or given consent to be adopted by a specified person, and the process for changing the decision to share or refuse to share identifying information;
- 2) helping the biological parents complete a written statement of intent when a child is voluntarily surrendered for purposes of adoption or given consent to be adopted by a specified person. The statement shall record:
  - A) the biological parents' desire to have identifying information shared with the adopted child at a later date and a method for contacting the biological parents; or
  - B) the biological parents desire not to have identifying information revealed; or
  - C) that no decision has been reached at this time;
- 3) helping the biological parents record their names with the Adoption Registry for the purpose of sharing identifying information with their biological children who were surrendered for adoption or given consent to be adopted by a specified person;
- 4) helping the adopted child, when the child has attained the age of 18, but not yet reached his or her 21st birthday, to record his or her name with the Adoption Registry for the purpose of sharing identifying information with his or her biological parents provided the Registry has the written consent of:
  - A) both adoptive parents, or
  - B) a single adoptive parent with a certified copy of the Judgement of Adoption, or
  - C) proof of the death of one adoptive parent and written consent of the surviving adoptive parent, or
  - D) consent of the guardian of the adoptee with a certified copy of the Order of Guardianship;
- 5) recording specific non-identifying information about the biological parents as required by the Adoption Act [750 ILCS 50/18.4] in the case record. This information shall be given to the prospective adoptive parents when the child is placed for adoption and to the adopted child, upon request, when the child has attained the age of 18; provided by Registry has received the written consent of those specified above in subsections (b)(4)(A) through (b)(4)(D); if the child has not reached his or her 21st birthday;
- 6) providing identifying information to mutually consenting members of the adoption triad when a written request is received by the Department of Children and Family Services. If there is an

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Information Exchange Authorization form on file with the Adoption Registry, this form also must permit the exchange of such information; and

- 7) other services as authorized by 89 Ill. Adm. Code 302.40, Department Service Goals.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Registration of Voters
- 2) Code Citation: 26 Ill. Adm. Code 216
- 3) Section Numbers: 216.90  
Adopted Action: Amend
- 4) Statutory Authority: Implements the National Voter Registration Act of 1993 (42 U.S.C. Sections 1973gg, et seq.) made applicable to all elections in Illinois by order of the Circuit Court of Cook County in *Ort et al. v. Edgar et al.*, Nos. 95-CO-246 and 95-CO-248 (Consolidated) and authorized by Article 1, Section 4 of the United States Constitution and by Sections 1A-8(4), (9) and (12) of the Illinois Election Code [10 ILCS 5/1A-8(4), (9) and (12)].
- 5) Effective Date of Rulemaking: October 15, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file at the Board's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: October 17, 1997, 21 Ill. Reg. 13697
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Difference between proposal and final version: No substantive changes have been made. Technical and editorial changes suggested by the Joint Committee on Administrative Rules have been adopted.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes. Except for nonsubstantive technical matters, none were required.
- 13) Will this rulemaking replace an emergency amendment currently in effect?  
No
- 14) Are there any amendments pending on this Part? Yes
 

<u>Section Numbers</u> 216.40	<u>Proposed Action</u> Amend	<u>Illinois Register Citation</u> 22 Ill. Reg. 7866
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- 15) Summary and Purpose of Rulemaking: The rule is intended to regulate the number and appearance of "Federal Office Only" ballots to prevent the



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issuance of the wrong ballot style to a person who is entitled to vote a full ballot.

16) Information and questions regarding this adopted amendment shall be directed to:

Name: A.L. Zimmer, General Counsel  
 Address: State Board of Elections  
 James. R. Thompson Center  
 100 W. Randolph Street, Suite 14-100  
 Chicago IL 60601  
 Telephone: 312/814-6440

The full text of the Adopted Amendment begins on the next page:

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TITLE 26: ELECTIONS  
 CHAPTER I: STATE BOARD OF ELECTIONS

PART 216  
 REGISTRATION OF VOTERS

Section	
216.10	Applicability
216.20	Definitions
216.30	Receipt of Voter Registration Applications
216.40	Maintaining Voter Records
216.50	Canceling Voter Registrations
216.60	Forms
216.70	Processing Voter Registration Applications
216.80	Documenting Transactions
216.90	Voting
216.100	Designation of Chief State Election Official
Exhibit A	Voter Registration Application - Illinois
Exhibit B	Voter Registration Information
Exhibit C	Voter Registration Application Transmittal
Exhibit D	Disposition of Registration
Exhibit E	Voter Identification Card
Exhibit F	Confirmation of Address
Exhibit G	Registration Deadline Notice
Exhibit H	Address Correction for Fail Safe Voter

AUTHORITY: Implementing the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.) and authorized by Section 1A-8(4), (9) and (12) of the Election Code [10 ILCS 5/1A-8(4), (9) and (12)].

SOURCE: Emergency adoption at 21 Ill. Reg. 14247, effective October 22, 1996, for a maximum of 150 days; adopted at 21 Ill. Reg. 4610, effective March 31, 1997; amended at 22 Ill. Reg. **19330**, effective **06/15/99**.

## Section 216.90 Voting

a) Voters shall vote at the polling place for the precinct where they reside, except that:

- 1) a voter who moves without notice to the election authority to a different residence still within the same election jurisdiction (territory under the control, for voting and registration purposes, of an election authority) as the place from which he or she moved shall vote for the first time he or she offers to vote after changing residence in the polling place for the residence from which the voter most recently registered, and thereafter in the polling place for the voter's present residence;
- 2) such voters are entitled by this Part to vote for federal offices only (However, those persons may be entitled by the Election Code



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to vote for other offices; see, for example, 10 ILCS 5/6-27 and 6-53.); and

3) subject to the requirements of subsection (d) (c) of this Section, any voter otherwise qualified to vote an absentee ballot may vote by absentee ballot.

b) In jurisdictions employing an electronic system which utilizes ballot cards:

1) the ballot card for voters described in subsection (a)(2) shall be of stock of any color, provided that there shall be printed on the back of such cards, both on the stub and on the ballot card itself, the words "FEDERAL OFFICES ONLY" in type of no less than 15 pt., and may, at the option of the election authority, also bear the number of the Congressional district of the voters of the precinct. If, in a split precinct, no distinction in color is made between the ballot cards for differing Congressional districts, such ballots must also bear the number of the Congressional district for which they are to be used.

2) the number of federal office only ballot cards supplied to any polling place shall not exceed 10% of the number of registered voters assigned to the polling place.

c) The election authority shall transfer the record or registration card, as the case may be, of each voter described in subsection (a)(1) of this Section to the binder for the precinct encompassing the voter's new place of residence immediately after the first election at which the voter offers to vote after changing residence, making such notations on the record as are necessary to bring the information contained on it current, and thereafter the voter shall vote in the precinct polling place for the new residence.

d) An applicant who has submitted a Voter Registration Application by mail must vote in person at the first election at which he or she votes after his or her application is acknowledged unless the voter is entitled to cast an absentee ballot under the provisions of Article 20 of the Illinois Election Code or is eligible to vote an absentee ballot by any pertinent federal statute or law. Voting in person includes in-person absentee voting, nursing home voting and hospitalized voters voting under the provision of Section 19-13 of the Election Code [10 ILCS 5/19-13].

e) An absentee voter voting under the provisions of subsections (a) (1) through (3) of this Section shall also complete an Address Correction for Fail Safe Voters. A Fail Safe Voter is a voter who votes under the provisions of subsection (a)(1) of this Section.

(Source: Amended at 22 Ill. Reg. 19330, effective

6-15-1997)

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1) Heading of the Part: Office of Investigator General Investigations of Alleged Abuse or Neglect and Deaths in State-Operated and Community Agency Facilities

2) Code Citation: 59 Ill. Adm. Code 50

<u>Section Numbers:</u>	<u>Adopted Action:</u>
50.10	New
50.20	New
50.30	New
50.40	New
50.50	New
50.60	New
50.70	New
50.80	New

4) Statutory Authority: Implementing and authorized by Section 6.2 of the Abused and Neglected Long Term Care Facilities Reporting Act [210 ILCS 30/6.2].

5) Effective Date of Rulemaking: October 19, 1998

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Department's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: January 2, 1998; 22 Ill. Reg. 95

10) Has JCAR issued a Statement of Objections to these rules? No

11) Differences between proposal and final version: The following changes were made by the agency during the First Notice Period: As a result of public comments, numerous changes were made throughout the text. Several definitions were changed and rearranged within Section 50.10 to reflect statutory language.

Timeframes contained within Section 50.70 were updated at the request of comments received from the public.

Numerous other nonsubstantive technical changes were made, as well as the relocation of some text within the same Section for better clarity.

12) Have all the changes agreed upon by the agency and JCAR been made as

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indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: To establish reporting procedures for allegations of alleged abuse or neglect and death in State-operated and Community Agency Facilities.

16) Information and questions regarding these adopted rules shall be directed to:

Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor, Harris Bldg.  
Springfield, Illinois 62762  
(217) 785-9772  
TTY: (217) 557-1547

The full text of the Adopted Rules begins on the next page:

## DEPARTMENT OF HUMAN SERVICES

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TITLE 59: MENTAL HEALTH

## CHAPTER I: DEPARTMENT OF HUMAN SERVICES

## PART 50

OFFICE OF INSPECTOR GENERAL  
INVESTIGATIONS OF ALLEGED ABUSE OR NEGLECT AND DEATHS IN  
STATE-OPERATED AND COMMUNITY AGENCY FACILITIES

## Section

50.10	Definitions
50.20	Reporting allegations of abuse, neglect and death
50.30	Responsibilities of OIG for intake assessment
50.40	Method of investigation
50.50	Conduct of the investigation
50.60	Investigative file and preliminary report
50.70	Completed investigations and final report
50.80	Appeals process for findings of investigations

AUTHORITY: Implementing and authorized by Section 6.2 of the Abused and Neglected Long Term Care Facilities Reporting Act [210 ILCS 30/6.2].

SOURCE: Adopted at 22 Ill. Reg. 19336, effective OCT 19 1997.

## Section 50.10 Definitions

For the purposes of this Part, the following terms are defined:

"Abuse." Any physical injury, sexual abuse, or mental injury inflicted on an individual other than by accidental means. Abuse also means any physical, sexual or mental abuse resulting in a serious injury inflicted on an individual by another person who is not an employee.

"Access." For the purpose of the Office of Inspector General's (OIG) investigations of allegations of abuse or neglect or death, means admission to a community agency or facility, interviewing appropriate individuals and employees, and obtaining any documents or records that OIG believes to be pertinent to the investigation. For a community agency, this must be granted by the community agency's authorized representative or his or her designee through a mutually agreed scheduling with OIG, unless OIG has cause to believe that the individual(s) is at risk of imminent danger or that advance notice may unduly hinder the investigation or make it ineffectual.

"Accidental." Occurring unexpectedly or by chance without intent or volition.

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"Act." The Abused and Neglected Long Term Care Facility Resident Reporting Act [210 ILCS 30].

"ALC." The Department's Accreditation, Licensure and Certification unit.

"Allegation." Any assertion, complaint, suspicion or incident where abuse or neglect of an individual(s) may have occurred.

"Authorized representative." The administrative head or executive director of a community agency appointed by the community agency's governing body with overall responsibility for fiscal and programmatic management, or the facility director or hospital administrator of a Department facility. If this person is implicated in an investigation, the governing body of the community agency or the Secretary of the Department shall be deemed the authorized representative for that investigation.

"Community agency." Any community entity or program providing mental health or developmental disabilities services that is licensed, certified or funded by the Department and not licensed or certified by any other human service agency of the State (e.g., Departments of Public Health, Public Aid, and Children and Family Services).

"Complainant." Any person who reports an allegation of abuse or neglect or death directly to OIG with the exception of self reporting by a community agency or facility.

"Complaint." An allegation of abuse or neglect or a death reported directly to OIG through any other means except self-reports by the community agency or facility.

"Credible evidence." Any directly related physical injury or other physical documentary or testimonial evidence that supports the truthfulness of the complaint and that is known at the time.

"Days." Calendar days, unless otherwise specified.

"Deflection." Those situations in which an individual is presented for admission to a facility or agency and the facility or agency staff do not admit. This includes triage, redirection and denial of admission.

"Department." The Department of Human Services.

"Employee." Any person providing services at the direction of the owner or operator of the facility or community agency on or off site. This includes payroll personnel, contractors, subcontractors, and

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volunteers.

"Facility." A mental health and/or developmental disabilities center operated by the Department.

"Final report." A completed investigative report by the Inspector General that summarizes the evidence and that indicates whether the allegation of abuse or neglect is substantiated, unsubstantiated, or unfounded based on the evidence gathered from the investigation. If the authorized representative responds to the preliminary report, the final report shall include a copy of such response. *The final report shall not contain actual or copies of witness statements, investigation notes, draft summaries, results of lie detector tests, investigative files or other raw data that was used to compile the final report (Section 6 of the Act).* The completed investigatory report shall become final at the end of the reconsideration/response period.

"Imminent danger." A preliminary determination of immediate, threatened or impending risk of illness, mental injury, or physical injury to an individual(s) as would cause a reasonably prudent person to take immediate action and which is not immediately corrected, such as environmental or safety hazards.

"Individual." Any person receiving mental health or developmental disabilities services from a facility or community agency operated, licensed, certified, or funded by the Department.

"Medical treatment." Any treatment ordered or rendered to an individual by a physician regarding an injury. The use of a diagnostic procedure, such as x-rays or laboratory tests, with no subsequent medical treatment, does not in itself constitute medical treatment.

"Mental injury." Includes verbal abuse, psychological abuse or exploitation by an employee.

"Verbal abuse." The use of words by an employee toward or about and in the presence of an individual(s) which a reasonably prudent person would believe to, or the employee knows for that particular individual will, demean, curse, intimidate, harass, cause emotional anguish or distress, threaten harm, or knowingly precipitate maladaptive behavior on the part of the individual(s) whether or not there is a psychological injury.

"Psychological abuse." The use of signs, gestures or other actions by an employee toward or about and in the presence of an individual(s) which a reasonably prudent person would believe to, or the employee knows for that particular individual will,



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demean, curse, intimidate, harass, cause emotional anguish or distress, threaten harm, or knowingly precipitate maladaptive behavior on the part of the individual(s).

"Exploitation." Any act of forcing, compelling, coercing, or enticing an individual(s) to perform services for the advantage of another, with or without an injury.

"Neglect."

Any failure by a community agency or facility or employee thereof to carry out required and appropriate clinical services, habilitation, or treatment as ordered by a physician or other authorized personnel that is the proximate cause of psychological harm or physical injury to an individual. Consideration shall be given in instances when the right of the individual to refuse such clinical services, treatment or habilitation is asserted; or

Any act or omission by a community agency or facility or employee thereof that endangers an individual's health or safety or fails to respond to an obvious and immediate need of an individual, regardless of whether or not there is an injury; or

Any act or omission by a community agency or facility or employee thereof that results in any documented physical injury to an individual the circumstances or nature of which would cause a reasonably prudent person to believe neglect by the community agency or facility has occurred. Consideration shall be given to whether the injury was repeated or preventable. This includes individual to individual assaults that are allegedly the result of employee or facility neglect; or

Any act or omission by a community agency or facility or employee thereof that results in an individual's absence that would cause a reasonably prudent person to believe neglect by an employee, community agency or facility has occurred; or

Any act or omission by a community agency or facility or employee thereof that results in any individual to individual sexual penetration, sexual molestation, or sexual exploitation where one of the participants is unwilling or unable to consent to sexual activity of which an employee, community agency or facility has or should have knowledge that would cause a reasonably prudent person to believe neglect by an employee, community agency or facility has occurred; or

Any act or omission by a community agency or facility or employee thereof that results in any exploitation of an individual by

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another individual of which an employee, community agency or facility has or should have knowledge that would cause a reasonably prudent person to believe neglect by an employee, community agency or facility has occurred.

"Non-serious injury." Any injury that does not fit the definition of "serious injury" as defined in this Section. Included in this classification are injuries such as red marks, scratches, superficial bruises, abrasions, lacerations not requiring sutures, sprains, jammed fingers or toes, and discolorations.

"OIG." The Office of Inspector General of the Department.

"OIG representative." An employee of OIG who is qualified as an investigator according to the qualifications established by the Central Management Services of the State of Illinois.

"Physical injury." Any act of direct physical mistreatment of an individual by an employee of a community agency or facility, such as hitting, kicking, pinching, choking, showing, pushing, biting, slapping, punching, striking with an object, burning, dragging, or cutting, with or without an injury.

"Preliminary report." A summary of the evidence in an investigation with a recommendation as to whether the findings of the investigation indicate that the allegation should be substantiated, unsubstantiated, or unfounded. The preliminary report shall not contain actual or copies of witness statements, investigation notes, draft summaries, results of lie detector tests, investigative files, or other raw data that was used to compile the preliminary report.

"Preponderance of the evidence." Proof sufficient to persuade the finder of fact that a proposition is more likely true than not true.

"Reasonably prudent person." Someone who exercises good judgment and common sense. A reasonably prudent person has average intelligence and perception.

"Required reporter." Any employee and any person employed by the Department who suspects, witnesses, or is informed of an allegation of abuse or neglect or death shall be deemed the required reporter for purposes of this Part.

"Routine programmatic." Refers to services provided as part of the individual's habilitation plan, treatment plan, or as a regular or ongoing component of the community agency's or facility's general services or practices.



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"Secretary." The Secretary of the Department or his or her designee.

"Self report." A report of an allegation of abuse or neglect or death in a program or activity for which a community agency or facility has administrative responsibility and which is reported to OIG by that community agency or facility through the formal reporting process in accordance with this Part.

"Serious injury." An injury such as:

A laceration requiring sutures, a complete or partial fracture of any bone, loss of teeth, second or third degree burn, severed extremity, any injury that results in a severe impairment, temporary or permanent disfigurement, threatens life, results in temporary or permanent loss of use of limb or loss of consciousness, results in a grand mal seizure or any other injury for which a reasonably prudent person would obtain medical treatment; or

An injury that has significant potential for transmitting serious infectious disease. An injury of this type may occur when the following elements are present:

One individual is known or reasonably suspected to have a serious infectious disease;

The injury is of a type that could transmit a serious infectious disease; and

One recipient is known not to have, or it is reasonably believed that he or she does not have, a serious infectious disease; or

An injury that is initially classified as non-serious but at some point becomes serious (for example, a contusion to the head that is found to be a serious hematoma or results in internal bleeding).

"Sexual abuse." Any act of sexual penetration, molestation, or exploitation of an individual by an employee of the community agency or facility.

"Sexual exploitation." The sexual use of an individual for another person's sexual gratification, arousal, advantage, or profit.

"Sexual molestation." Any intentional or knowing touching or fondling by one person, either directly or through clothing, of

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the sex organs, anus, or breast of the other person, for the purpose of sexual gratification or arousal of either person.

"Sexual penetration." Any contact, however slight, between the sex organ of one person and the sex organ, mouth, or anus of another person, or any animal or object inserted into the sex organ or anus of another person for the purpose of sexual gratification or arousal of either person.

"Substantiated." A preponderance of the evidence found during any investigation indicates that abuse or neglect occurred.

"Substantial evidence." Such evidence as a reasonable person can accept as adequate to support a conclusion.

"Temporary absence." A home visit, unauthorized absence and any other situation where the individual is a resident of the facility or community agency but not either physically in the facility or community agency or on the facility or community agency campus.

"Unfounded." There is no credible evidence that abuse, neglect, or both occurred.

"Unsubstantiated." There is credible evidence, but less than a preponderance of evidence to show that abuse, neglect, or both occurred.

## Section 50.20 Reporting allegations of abuse, neglect and death

a) Self-reporting - facility or community agency employees

1) If an employee witnesses, is told of, or has reason to believe an incident of abuse or neglect or a death has occurred, the employee shall report the allegation according to the community agency's or facility's procedures. Such employees shall be deemed the "required reporter" for purposes of this Part.

2) Within one hour after the discovery of an incident of alleged abuse or neglect or a death, the authorized representative or his or her designee of the community agency or facility shall report to OIG using the OIG hotline number 1-800-368-1463. This includes:

- A) Any allegation of abuse that may be the result of any action by an individual or employee;
- B) Any allegation of neglect that may be the result of any action or omission by a community agency, facility, or an employee thereof; and
- C) Any death of an individual that occurs either within a facility or community agency program or within 14 days after discharge, transfer or deflection.

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- 3) Within 24 hours after the discovery of any serious injury to an individual, however inflicted (including self-injury), that is not alleged to be the result of abuse or neglect, the authorized representative or his or her designee of the community agency or facility shall report the injury to OIG using the OIG hotline number 1-800-368-1463 (voice or TTY).
- 4) Within 24 hours after the discovery of the following types of incidents, but no less frequently than monthly, the authorized representative or his or her designee of the community agency or facility shall report to the OIG using the OIG hotline number 1-800-368-1463 (voice or TTY) or by faxing a report to OIG. This includes the following individual-to-individual injuries.
  - A) All injuries, whether serious or non-serious, that are inflicted on an individual other than by accidental means when the injuries occur three times a month (or more); and
  - B) Incidents with any serious or non-serious accidental injury involving more than two individuals.
- 5) Required reporter - facility  
The required reporter of a facility is required to complete the OIG Incident Report Form for reporting alleged abuse, neglect, and death and submit the form to the authorized representative or his or her designee according to facility procedures.
- 6) Required reporter - community agency  
The required reporter of a community agency is required to complete a form designated by the community agency and submit the form to the authorized representative or his or her designee according to community agency procedures.
- 7) Verbal reporting - community agency or facility  
Community agency or facility procedures may allow employees to report the allegation verbally to the selected community agency or facility designee(s) (for example, the most immediate on-duty supervisor or security officer) provided that the designee then completes the form required by the community agency or facility.
- 8) Screening of reports prohibited -- community agency or facility  
Screening or otherwise withholding reports of incidents or allegations of abuse or neglect from OIG is not allowed.
- 9) Completion of OIG-required form - community agency or facility  
The authorized representative or his or her designee shall submit the completed OIG-required form for reporting alleged abuse, neglect, and a death to OIG by fax or by mail within 24 hours after telephoning the report to the OIG hotline.
  - A) Reporting to OIG shall not relieve the community agency or facility from any other statutory or regulatory reporting requirements applicable to the community agency or facility.
  - B) The authorized representative or his or her designee who reviews the prescribed OIG form for reporting alleged abuse, neglect, or death at the respective community agency or facility shall not delete, delay, withhold, limit, or

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- otherwise restrict any of the information as contained on the OIG prescribed reporting form. Information may be added by the authorized representative or his or her designee for clarification purposes only.
- 10) Direct notification to OIG - community agency or facility employees  
Community agency or facility employees may notify OIG directly of an allegation of abuse or neglect or a death by using the OIG hotline, fax or mail. An employee notifying OIG in this way shall be considered the complainant in the case.
  - b) OIG hotline  
The OIG hotline (#1-800-368-1463) shall be communicated to individuals and guardians at the time of admission and the number shall be posted in plain sight at each community agency and facility.
  - c) Other reports - complainant
    - 1) Any other person, individual, family member, guardian, advocate, or staff from another community agency or facility who witnesses, is told of or has reason to believe an incident of alleged abuse or neglect or a death of an individual may have occurred, may report the incident to OIG by telephoning the OIG hotline, or in writing by fax or mail.
    - 2) The OIG representative shall notify the authorized representative of the community agency or facility or his or her designee that an allegation has been received unless such notification compromises the integrity of the investigation, such as, an allegation involving the authorized representative or his or her designee.
  - d) Training and technical assistance  
Any person, community agency, or facility may request training or technical assistance from OIG in identifying, reporting, investigating and preventing abuse or neglect, or participation in applicable OIG-sponsored training as referenced in Section 6.5 of the Act.
  - e) Misleading reports  
Nothing in this rule protects persons who knowingly make misleading reports to harass or compromise community agency or facility effectiveness from action available to either the community agency or facility. Nothing in this Part prohibits OIG, other enforcement authorities, or any employees jeopardized by such reporting from obtaining allowable remedies.
  - f) Notification of individual  
The authorized representative or designee shall notify the individual who was allegedly abused or neglected and his or her legal guardian of the allegation within 24 hours after receiving the allegation. If the authorized representative or designee is unable to reach the guardian by phone, a letter of notification shall be sent within 24 hours.

## Section 50.30 Responsibilities of OIG for intake assessment

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- a) Availability of OIG representative  
An OIG representative shall be available 24 hours a day to receive reports of allegations of abuse, neglect or death and provide any technical assistance with filing the required OIG prescribed form for reporting alleged abuse, neglect, and death.
- b) Responsibility of OIG representative receiving the report  
The OIG representative receiving the report of the allegation is responsible for assessing, based on the information received at intake, whether the allegation could constitute abuse or neglect and whether OIG has the authority to investigate in accordance with the Act. The representative shall determine whether the allegation could constitute abuse or neglect and whether OIG has the authority to investigate in accordance with the Act within 24 hours after receiving the call.
- c) Reports involving routine programmatic, licensure or certification matters  
1) OIG shall have no supervision over or involvement in routine, programmatic, licensure, or certification operations of ALC, the Department, or any of its funded agencies. (Section 6.2(a) of the Act).
- 2) If the reported allegation relates to licensure or certification standards and is deemed not to be abuse or neglect, OIG shall refer the allegation to ALC and notify the community agency or facility and/or the complainant of such referral in writing within 5 working days.
- 3) If the reported allegation relates to routine programmatic operations and is deemed not to be abuse or neglect, OIG shall refer the allegation to the appropriate office of the Department and notify the community agency or facility and/or complainant of such referral in writing within 5 working days.
- d) Investigations by two or more State agencies  
When two or more State agencies could investigate an allegation of abuse or neglect at a community agency, OIG shall not conduct an investigation that is redundant to an investigation conducted by another State agency (Section 6.2(a) of the Act) unless another State agency has requested that OIG participate in the investigation (such as the Departments of State Police, Children and Family Services, or Public Health).
- e) Referral to the Department of State Police  
The Inspector General shall, within 24 hours after receiving a report of an allegation of abuse or neglect or death, determine whether the evidence indicates that any possible criminal act has been committed or law enforcement expertise is required, and shall refer such allegations to the Department of State Police for investigation in accordance with Section 6.2(b) of the Act.
- f) Referral to the appropriate authority

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- If the reported allegation is not within OIG authority or does not constitute abuse or neglect or death, the OIG representative shall constitute receipt of the report and provide the authorized representative or his or her designee and complainant with the appropriate referral information in writing within 5 working days.
- g) Authorized representative - community agency  
If the allegation constitutes abuse or neglect or death and is within the jurisdiction of OIG, the authorized representative or his or her designee of a community agency shall:
- 1) Ensure the immediate health and safety of involved individuals and employees, including ordering medical examinations when applicable and removing alleged accused employee(s) from having contact with the involved individual(s) when there is credible evidence supporting the allegation of abuse and neglect;
  - 2) Secure the scene of the incident and preserve evidence, if applicable;
  - 3) Identify and separate potential witnesses, when applicable; and
  - 4) Identify and record all persons at the scene at the time of the incident and, when relevant, those who had entered the scene prior to the scene being secured;
  - 5) Secure all relevant physical evidence, such as clothing, if applicable;
  - 6) Photograph the scene of the incident and the individual's injury, when applicable; and
  - 7) Notify an OIG representative.
- h) Authorized representative - facility  
If the allegation constitutes abuse or neglect or death, the authorized representative or his or her designee of a facility shall:
- 1) Ensure the immediate health and safety of involved individuals and employees, including ordering medical examinations when applicable and removing alleged accused employee(s) from having contact with the involved individual(s) when there is credible evidence supporting the allegation of abuse and neglect;
  - 2) Secure the scene of the incident and preserve evidence, if applicable;
  - 3) Identify and separate potential witnesses, when applicable;
  - 4) Identify and record all persons at the scene at the time of the incident and, when relevant, those who had entered the scene prior to the scene being secured;
  - 5) Secure all relevant physical evidence, such as clothing, if applicable;
  - 6) Photograph the scene of the incident and the individual's injury, when applicable;
  - 7) Notify an OIG representative; and
  - 8) Initiate the preliminary steps of the investigation by the designated facility employees who have been trained in OIG-approved methods to conduct initial interviews and gather evidence and documents. The assigned OIG investigator is



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responsible for the investigation of allegations of abuse or neglect or of deaths from other than natural causes.

i) Determination of further action by OIG representative

The OIG representative may determine what further action, if any, is necessary to protect the safety of any individual, secure the scene of the alleged incident, preserve evidence and maintain the integrity of the investigation. Such action may include immediate emergency referrals (such as medical or housing services), the notification of law enforcement officials, requesting hospital services or contacting the Department or other State agencies for assistance.

j) Indirect report of an allegation

If the report of an allegation of abuse or neglect or a death was not received directly from the community agency or facility, an OIG representative shall notify the authorized representative or his or her designee immediately but not later than within 24 hours that an allegation has been received unless such notification compromises the integrity of the investigation.

## Section 50.40 Method of investigation

a) Determination of primary responsibility for investigation

The OIG representative receiving the report of an allegation of abuse or neglect or a death from a community agency, shall determine whether OIG, or the community agency with an OIG approved method of investigation may take primary responsibility for investigating the allegation. This determination shall be based on the nature of the allegation, frequency of allegations and complaints of a comparable nature, OIG's knowledge of the community agency and its policies, and in accordance with the following criteria:

1) OIG responsibility

OIG shall retain responsibility for investigating allegations of:

- A) Abuse or neglect when it appears an individual may be in imminent danger;
- B) Physical abuse with injury requiring medical treatment by a physician;
- C) Neglect with injury requiring medical treatment by a physician;
- D) Sexual abuse by an employee;
- E) Deaths alleged to be from other than accidental or natural causes;
- F) Allegations involving authorized representatives or designees; and
- G) Other incidents of alleged abuse or neglect as determined by OIG.

2) Priority investigations

The investigations of the above allegations shall be conducted as priority investigations.

3) OIG or community agency responsibility

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OIG or the community agency with an OIG approved method of investigation may take responsibility for investigating allegations of abuse or neglect or a death in the following situations:

- A) Physical or mental abuse without injury or with an injury not requiring medical treatment by a physician;
- B) Neglect without injury or with an injury not requiring medical treatment by a physician; and
- C) Deaths from accidents or natural causes.

4) OIG or the facility with an OIG approved method of investigation may take responsibility for investigating deaths of natural causes.

5) If at any time during the course of the investigation, the community agency requests that OIG assume primary responsibility for the investigation, OIG shall do so.

6) Determination of investigation responsibility within 24 hours  
OIG shall make a determination as to whether OIG shall, or the community agency or facility may, take responsibility for conducting the investigation within 24 hours after receipt of the report via the OIG hotline, mail or fax, or in person.

b) Methods of Investigation

1) When OIG determines that the community agency or facility may investigate, OIG shall retain the right to take primary responsibility for the investigation at any time.

2) Methods of investigation may include, but are not limited to site visits, telephone contacts, or requests for written responses from the community agency or the facility.

3) OIG shall use a generally accepted method of investigation which can be reviewed in the OIG Guidelines for Investigations on file at the Office of Inspector General.

4) The facility's or community agency's method of investigation shall be comparable to those standards in the OIG Guidelines for Investigations.

5) Authorization - community agencies

A) For allegations of abuse and neglect in a community agency, in order for OIG to authorize the community agency to conduct an investigation, the community agency shall submit its proposed methods of investigation to OIG for approval. After OIG has approved the methods of investigation for the agency, authorization to investigate applies on a case-by-case basis.

B) This authorization or lack of authorization does not preclude the community agency from taking immediate action that may include protecting the individual(s) from danger or harm, gathering information relevant to the allegation and conducting its own investigation, notifying appropriate law enforcement officials or taking any other administrative action deemed necessary by the community agency.



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- C) Training and assistance to community agencies on investigative methods  
 OIG may provide assistance, if requested, to a community agency or a facility in the development of an approved method of investigation and in the training of employees in such methods.

## Section 50.50 Conduct of the investigation

- a) Procedures  
 Depending on the nature of the allegation, an investigation shall consist of the following procedures:
- 1) To protect the integrity of the investigation when appropriate the scene of the incident shall be secured, witnesses shall be identified and separated, and physical evidence shall be preserved and secured;
  - 2) To gather testimonial evidence in instances when appropriate initial statements and/or follow-up statements from persons involved including victim(s), alleged perpetrator(s), and witness(es) shall be obtained by face-to-face interview, in writing, or by telephone; and
  - 3) To obtain copies of pertinent documents such as progress notes, injury reports, individual records, photographs.
- b) Confidentiality  
*Any allegations or investigations of reports of abuse and neglect shall remain confidential until a final report is completed* (Section 6.2(a) of the Act). The identity of any person as a complainant shall remain confidential in accordance with the Freedom of Information Act [5 ILCS 140] or unless identification is authorized by the complainant. Information concerning diagnosis and treatment for alcohol or drug abuse shall be disclosed to OIG by community agencies only in accordance with federal regulations at 42 CFR 2. Information concerning tests for human immunodeficiency virus (HIV) and diagnosis and treatment for acquired immune deficiency syndrome (AIDS) shall be disclosed to OIG by community agencies only in accordance with the AIDS Confidentiality Act [410 ILCS 305].
- c) Respect for the dignity and rights of persons involved  
 All investigations shall be conducted in a manner that respects the dignity and human rights of all persons involved as part of the investigation.
- d) Integrity of the investigation  
 All investigations shall be conducted in a manner that maintains the integrity of the investigation and that does not give cause to question the investigator's objectivity.
- e) Subject(s) of the investigation  
 An employee does not have a constitutional or statutory right to representation during an interview that is part of an administrative allegation of abuse or neglect. An employee who believes that he or

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she is the subject of an investigation may request representation during the OIG interview. This request for representation may be denied by the OIG investigator. Grounds for denial may be unwarranted delay, the representative may pose a conflict of interest or interfere with the investigation, the representative's presence may render the interview ineffective, or any other circumstance that in the investigator's opinion would compromise the integrity of the investigation.

- f) Non-interference  
 No person shall interfere with or obstruct the conduct of any OIG interview or investigation. The OIG investigator shall decide if anyone other than the person being interviewed shall be present at the interview.
- g) Availability of OIG to a community agency or facility  
 If the community agency or facility has responsibility for conducting the investigation, OIG shall be available on request to answer questions and provide advice or technical assistance regarding the investigatory process.
- h) Access by OIG  
*OIG shall be granted access, for the purpose of investigating a report of abuse or neglect or a death, to any facility or program funded, licensed or certified by the Department that is subject to the provisions of Section 6.2 of the Act to investigation by the Office of Inspector General for report of abuse or neglect or a death.* (Section 6.2(f) of the Act)
- 1) OIG shall seek access in a manner that respects the dignity and human rights of all persons involved, maintains the integrity of the investigation and does not unnecessarily disrupt programs and/or services.
  - 2) When advance notice to an authorized representative or his or her designee is not provided, OIG shall, on arrival at the community agency or facility site, request that an on-duty and on-site employee notify the authorized representative or his or her designee of OIG's arrival.
- i) If at any time during the course of the investigation OIG determines that:
- 1) The allegation involves a possible criminal act or that special expertise is required, OIG shall notify within 24 hours the Department of State Police and local law enforcement authorities as appropriate.
  - 2) An individual's health or safety is in imminent danger, the Inspector General shall immediately notify the Secretary or his or her designee and the authorized representative of the community agency or facility or his or her designee.
  - 3) There is reason to believe that a violation of an existing Department Rule may have occurred, OIG shall immediately notify the authorized representative or his or her designee of the community agency and the appropriate Department office or

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division.

**Section 50.60 Investigative file and preliminary report**

a) The investigative file shall be submitted to the Inspector General within 60 days from assignment of the investigation unless there are extenuating circumstances such as the unavailability of a witness(es) or an official document(s). Investigations not completed within 60 days must have a case status report prepared by the investigator and placed in the Central Office file. This status report shall explain the reason(s) for the delay in completing the case. Follow-up status reports to the file are required every 30 days thereafter until completion of the investigation.

b) An investigative file submitted by the OIG, community agency, or facility shall include:

- 1) All investigatory materials, including physical and documentary evidence, such as photographs, interview statements and records;
- 2) A preliminary report to the Inspector General with a recommendation as to whether the findings of the investigation indicate that the allegation should be substantiated, unsubstantiated, or unfounded;
- 3) A summary of the investigation that indicates any actions taken, by the community agency or the facility, as a result of the allegation.

c) Determination of acceptance by the Inspector General Within five days after receipt of the preliminary report, the Inspector General will determine whether to accept the recommendation. If the preliminary report is not accepted, the Inspector General may require additional documentation, further investigation by the community agency or facility or may determine that further investigation by OIG is warranted.

d) Substantiated allegations

- 1) Within 10 working days after accepting the preliminary report, when abuse or neglect is substantiated, the Inspector General shall submit the preliminary report to the community agency or facility and notify the complainant in writing of the result of the preliminary report.

- 2) The community agency or facility shall submit a written response within 30 days after receiving the preliminary report. The response shall either:

A) Provide a corrective action plan that shall address in a concise and reasoned manner what action(s) the community agency or facility has taken or will take to protect the individual(s) from abuse or neglect, prevent further recurrences, and eliminate problems identified, and provide implementation dates for completion of such actions; or

B) Request that the Inspector General provide clarification of the findings or reconsideration of the findings based on

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additional information submitted by the community agency or facility. If the Inspector General determines that the case will not be reconsidered or if he or she provides clarification of the findings, the community agency or facility shall send the Inspector General the corrective action plan within 15 days after receipt of the Inspector General's response.

- 3) The complainant, within 15 days after receipt of the result of the preliminary report, may request in writing that the Inspector General reconsider the findings based on additional information submitted by the complainant.

- 4) Within 15 working days after receipt of the request from the community agency, facility, or complainant for reconsideration or clarification, the Inspector General shall respond. If the Inspector General determines further investigation is necessary based on the request for reconsideration or clarification of the findings, an amended preliminary report shall be issued.

e) Unsubstantiated or unfounded allegations

- 1) Within 15 days after accepting the preliminary report where abuse or neglect is unsubstantiated or unfounded, the Inspector General shall submit the preliminary report to the authorized representative. The Inspector General shall notify the complainant in writing of the result of the finding of the preliminary report.

- 2) Within 15 days after receipt of the result of the preliminary report, the community agency, facility or complainant may request in writing that the Inspector General provide clarification of the finding or reconsideration of the finding based on additional information submitted by the community agency, facility, or complainant.

- 3) Within 15 working days after receipt of the request for clarification or reconsideration from the community agency, facility or complainant, the Inspector General shall respond to the request. If the Inspector General determines further investigation is necessary based on the request for reconsideration or clarification of the findings, an amended preliminary report shall be issued to the authorized representative of the community agency or facility.

**Section 50.70 Completed investigations and final report**

a) Acceptance of preliminary report

At the end of the 15 days reconsideration/response time period, the preliminary report of the investigation shall be considered a final report and the investigation considered complete.

b) Final report to the Secretary and community agency or facility

The Inspector General shall, within 10 days after the transmittal date of a completed investigation where abuse or neglect is substantiated

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or administrative action is recommended, provide a complete (final) report on the case to the Secretary and to the community agency or facility in which the abuse or neglect was alleged to have happened. (Section 6.2(c) of the Act)

- c) Informing individual and alleged perpetrator of report  
Within 15 days after receiving a final report or notification, the authorized representative or designee shall inform the individual, the individual's legal guardian and the alleged perpetrator whether the allegation was substantiated, unsubstantiated or unfounded.

- d) Release of final reports  
Any allegations or investigations of reports of abuse and neglect shall remain confidential until a final report is completed. (Section 6.2(a) of the Act)

- 1) Final reports of substantiated investigations shall be released in accordance with the Act, Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110], and the Freedom of Information Act [5 ILCS 140].

- 2) Final reports of unsubstantiated or unfounded allegations shall remain confidential except that final reports shall be released pursuant to Section 6 of the Act or a valid court order.

- (Section 6.2(a) of the Act)  
3) The identity of any person as a complainant shall remain confidential in accordance with the Freedom of Information Act [5 ILCS 140], or unless authorized by the complainant.

## Section 50.80 Appeals process for findings of investigations

There shall be an appeals process for any person or community agency that is subject to any action based on the findings of an investigation. (Section 6 of the Act)

- a) A person or community agency may appeal an action taken based on a finding of an investigation on the grounds that the action was unduly punitive or unduly lenient.  
b) The Department, facility or agency taking the action on the basis of an investigation shall inform the agency or employee of the right to appeal under this Part.  
c) The individual or community agency may request a hearing no later than 30 days after the action occurred. The individual or community agency shall submit a letter to the Bureau of Administrative Hearings, Department of Human Services, 100 S. Grand Ave. East, Springfield IL 62762, requesting a hearing and setting out the reasons why the action was in error.  
d) The hearings under this Section shall be conducted in accordance with the Department's Rule on the conduct of hearing and appeals, at 59 Ill. Adm. Code 101.70.  
e) At the hearing, the community agency, the facility or the Department shall have the burden of proving that its action was fair and supported by creditable evidence.

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Minimum Safety Standards for Construction of Type I School Buses

- 2) Code Citation: 92 Ill. Adm. Code 440

- 3) Section Numbers: Proposed Action:  
440.20 Amend  
440.140 Amend  
440.210 Amend  
440.220 Amend  
440.305 Amend  
440.405 Amend  
440.410 Amend  
440.420 Amend  
440.505 Amend  
440.510 Amend  
440.ILLUSTRATION A Repeal  
440.ILLUSTRATION B Amend  
440.APPENDIX A Repeal  
440.APPENDIX B Repeal  
440.APPENDIX C Repeal

- 4) Statutory Authority: Implementing Article VIII of Chapter 12 and authorized by Section 12-812 of the Illinois Vehicle Code [625 ILCS 5/Ch.12, Article VIII]

- 5) Effective Date of Amendments: October 15, 1998

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this amendment contain incorporations by reference? Yes

- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file at the Department's Division of Traffic Safety and is available for public inspection.

- 9) Notice of Proposal Published in Illinois Register: March 27, 1998, 22 Ill. Reg. 5833

- 10) Has JCAR issued a Statement of Objections to these rules? No

- 11) Differences between proposal and final version: Various grammatical and nonsubstantive changes were made at JCAR's suggestion.

Additionally, the Department revised Section 440.420(cc)(2)(D) regarding the installation of optional seat safety belts pursuant to public comment.

The Department has also updated several of the addresses, edition dates



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and citations to the ANSI standards referenced in the rulemaking.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will these amendments replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: By this Notice of Adopted Amendments, the Department updated, clarified and corrected the minimum safety standards for the construction of school buses manufactured for use in Illinois. The following paragraphs detail specific changes made to Sections in this Part.

Section 440.20 Guidelines: Removed unnecessary language; added a statutory citation.

Section 440.140 Effective Date: Removed obsolete language.

Section 440.210 Federal Definitions: Clarified language and removed a reference to Appendix A which is repealed.

Section 440.220 State Definitions: Clarified language; updated references to and definitions from the Illinois Vehicle Code; updated statutory citations; corrected the definition of "empty weight" for consistency with 92 Ill. Adm. Code 442; removed the definition of "newton"; and revised the definition of "school bus".

Section 440.305 Certification by Manufacturer: Updated the statutory reference and clarified requirements.

Section 440.405 Conformance to the Requirements: Updated the statutory reference.

Section 440.410 Incorporation by Reference of Federal Motor Vehicle Safety Standards: Updated the date of incorporation by reference of 49 CFR 571, as of October 1, 1997 and corrected the reference to the standards found in 49 CFR 571.

Section 440.420 State Requirements: Deleted criteria in the introductory paragraph that refers to the bus not being rejected at an Official Testing Station for not complying with a number of standards. This is not a true statement. 92 Ill. Adm. Code 441 (Inspection Requirements for Type I School Buses) does not provide the same exception. A school bus must meet all of the requirements of 92 Ill. Adm. Code 441 before a Certificate of Safety is affixed to the bus.

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Aisle: Deleted the reference to non-handicapped students; deleted the reference to federal final rules now contained in the CFR.

Capacity, Passenger: Updated the statutory citation; clarified that passenger space is for persons who are orthopedically-challenged.

Color and Paint, Exterior: Updated statutory language governing color; provided specific standards for white roofs; added requirements for retroreflective tape required by 49 CFR 571.217.

Crossing Control Arm: Added new provisions to establish specification standards for crossing control arms as required by Public Act 90-108, effective July 14, 1997.

Defrosters: Added a reference to 49 CFR 571.103.

Emergency Exits: Added a reference to 49 CFR 571.217; clarified requirements unique to Illinois regarding alarms and the engine starting system for consistency with 92 Ill. Adm. Code 441.

Fire Extinguisher: Added approval of halon fire extinguishers.

First Aid Kit: Added requirements for the construction of the box which contains the kit. Language was moved to this subsection from Section 440.440 Appendix B which is repealed.

Floor Covering: Removed the requirement that floor covering be "ribbed". (New designs in the floor covering provide necessary traction without ribbing.)

Fuel system: Removed the subsection that is applicable to Type II school buses (this language will be relocated to 92 Ill. Adm. Code 442; Inspection Procedures for Type II School Buses) and added a reference to 49 CFR 571.301 (Fuel System Integrity).

Heaters: Renamed "inside" to "interior"; defined the symbol for "degrees".

Interior: Clarified the padding requirements for objects located within 59 inches from the floor (designated head impact zone) for consistency with 92 Ill. Adm. Code 441.

Lamps and Signals: Removed the procedural language required by the Illinois Vehicle Code (these procedures are not necessary for the construction of school buses); corrected the reference to 49 CFR 571.108; updated the statutory reference; corrected the term used for "stop signal arm" (added the word "panel") for consistency with 92 Ill. Adm. Code 441; corrected the cross references to subsections in

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this Part.

Lettering: Amended, clarified and added language for consistency with 92 Ill. Adm. Code 441; renamed "inside" to "interior" and "outside" to "exterior"; added a new requirement that buses manufactured after December 31, 1998 be labeled with the vehicle's length on the interior bulkhead pursuant to National Traffic Safety Board (NTSB) findings.

Mirrors: Added a reference to 49 CFR 571.111 (federal standards now address rearview mirror requirements specific to school buses); maintained the existing language pertaining to additional optional convex mirrors and the protection of the reflecting surface on the back of each mirror; all other existing language was removed.

Radio Noise: Added a new subsection requiring radio/stereo speakers to be located at least four feet behind the rearmost position of the driver's seat for buses manufactured after December 31, 1998 pursuant to NTSB findings.

Reflectors, Front: Clarified and corrected language pursuant to the Illinois Vehicle Code and for consistency with 92 Ill. Adm. Code 441; added requirements for side and rear reflectors; added a requirement that any sheet type reflex reflector must meet 49 CFR 571.108 (S5.7.1.2).

Rub Rails: Corrected a cross reference to a subsection in this Part; renamed "outside" to "exterior".

Seating: Corrected the reference to 49 CFR 571.222; removed dated language; corrected the reference to persons with special needs; removed a reference to non-handicapped students; corrected and added a cross reference to a subsection in this Part; corrected language regarding flip-up seats.

Seat belts, Driver's: Added a requirement that buses manufactured after December 31, 1998 be equipped with a lap belt/shoulder harness design for the driver.

Service Entrance and Door: Required that the location of the interior grab handle be on the left side of the entrance way; renamed "outside" to "exterior"; established new criteria for glazing in the bottom panel of the service door for consistency with the 1995 National Standards for School Transportation; clarified service door lock options.

Stop Signal Arm: Renamed "stop signal arm" to "stop signal arm panel" for consistency with 92 Ill. Adm. Code 441; removed dated language pertaining to the hexagon-shaped semaphore (the federal standard now

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requires an octagon shape on all school buses); added language to allow additional stop arm panels.

Warning Devices: Clarified requirements for consistency with 92 Ill. Adm. Code 441.

Windows or Glazed Panels, Rear: Removed the requirement that lettering on the rear of the bus be located at least 44.1 inches above the floor.

Window Openings, Side: Corrected the reference to this subsection; renamed "outside" to "exterior".

Section 440.505 Conformance to the Requirements: Corrected the reference to the Illinois Vehicle Code.

Section 440.510 Federal Requirements: Renamed the Section to "Incorporation by Reference of Federal Motor Vehicle Safety Standards"; corrected language necessary to incorporate federal regulations by reference.

Section 440. Illustration A Hexagon Shaped Stop Signal Arm: Repealed Illustration A which is no longer allowed on newly manufactured school buses.

Section 440. Illustration B Octagon Shaped Stop Signal Arm: Renamed "stop signal arm" to "stop signal arm panel" for consistency with 92 Ill. Adm. Code 441.

Section 440. Appendix A Federal Motor Vehicle Safety Standards (FMVSS) and Related Regulations: Repealed Appendix A because it is outdated and not necessary for compliance with State standards. Manufacturers are required by federal law to comply with any applicable federal standard.

Section 440. Appendix B First Aid Kit Requirements (Referred to in Section 440.420(k)): Repealed Appendix B which is not necessary. Necessary language is contained in Section 440.420(1).

Section 440. Appendix C Specification Sheet Reflective Material -- Encapsulated Lens (Based on FHWA Notice N 5040.17, June 15, 1976): Repealed Appendix C because these provisions are no longer necessary. These requirements are covered in Section 440.420(aa) which refers to the applicable federal standard.

16) Information and questions regarding this adopted rule shall be directed to:

Ms. Cathy Allen

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Regulations Unit  
Illinois Department of Transportation  
Division of Traffic Safety  
P.O. Box 19212  
Springfield, Illinois 62764-9212  
(217) 785-1181

The full text of the Adopted Amendments begins on the next page:

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TITLE 92: TRANSPORTATION  
CHAPTER I: DEPARTMENT OF TRANSPORTATION  
SUBCHAPTER e: TRAFFIC SAFETY (EXCEPT HAZARDOUS MATERIALS)

## PART 440

MINIMUM SAFETY STANDARDS FOR CONSTRUCTION  
OF TYPE I SCHOOL BUSES

## SUBPART A: INTRODUCTION

## Section

440.10 Order  
440.20 Guidelines  
440.30 Responsibilities

## SUBPART B: GENERAL

## Section

440.110 Purpose  
440.120 Scope  
440.130 Applicability  
440.140 Effective Date  
440.150 Quantified Requirements

## SUBPART C: DEFINITIONS

## Section

440.205 Dictionary Used  
440.210 Federal Definitions  
440.220 State Definitions

## SUBPART D: CERTIFICATION

## Section

440.305 Certification by Manufacturer  
440.310 Federal Standards  
440.320 State Standards

## SUBPART E: BODY REQUIREMENTS

## Section

440.405 Conformance to the Requirements  
440.410 Incorporation by Reference of Federal Motor Vehicle Safety Standards  
440.420 State Requirements

## SUBPART F: CHASSIS REQUIREMENTS

## Section



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(Source: Amended at 22 Ill. Reg. 19354, effective  
OCT 15 1997)

SUBPART B: GENERAL

Section 440.140 Effective Date

a) These standards become effective July 1, 1977, on each incomplete vehicle manufactured on or after April 1, 1977, and on each component either assembled to or altered on such incomplete vehicle so as to construct a school bus; provided, however, a new school bus constructed of an incomplete vehicle manufactured before April 1, 1977, may not be sold or used in Illinois if its final stage of manufacture is completed after October 1, 1977.

b) The Director of the Division of Traffic Safety will give serious consideration to a manufacturer's written request to postpone the effective date of a paragraph of these standards to a specific later date for a specific number of buses if the latest date of the final stage of manufacture is stated and the circumstances that necessitate such postponement are adequately explained in such request. A request for postponement resulting in a final stage of manufacture later than October 1, 1977, is not likely to receive favorable consideration. Buses may be constructed in compliance with these standards or portions of these standards prior to the above designated effective date(s).

(Source: Amended at 22 Ill. Reg. 19354, effective  
OCT 15 1997)

SUBPART C: DEFINITIONS

Section 440.210 Federal Definitions

Terms are used as defined in 49 CFR 567, 568, or 571, in the federal rules and standards terms are used as defined directly or by reference in Part 567, Part 568, or Part 571 of Title 49 in the Code of Federal Regulations (49 CFR 567, 568, or 571) see Appendix A.

(Source: Amended at 22 Ill. Reg. 19354, effective  
OCT 15 1997)

Section 440.220 State Definitions

The terms referred to in Section 440.210 are applicable to this Section unless any definitions are displaced either by a statutory definition in 625 ILCS 5 or by a definition found below: In the State requirements and standards terms are used as defined under Section 440.210 above except where such definition is displaced either by a statutory meaning defined in Chapter 1 and other pertinent portions of the Illinois Vehicle Code or by a meaning defined below.

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440.505 Conformance to the Requirements  
440.510 Incorporation by Reference of Federal Motor Vehicle Safety Standards Federal Requirements  
440.520 State Requirements

ILLUSTRATION A Hexagon Shaped Stop Signal Arm (Repealed)

ILLUSTRATION B Octagon Shaped Stop Signal Arm Panel

APPENDIX A Federal Motor Vehicle Safety Standards (FMVSS) and Related Regulations (Repealed)

APPENDIX B First Aid Kit Requirements (Referred to in Section 440.420(k)) (Repealed)

APPENDIX C Specification Sheet Reflective Material -- Encapsulated Lens (Based on FHWA Notice N 5040.17, June 15, 1976) (Repealed)

AUTHORITY: Implementing Article VIII of Chapter 12 and authorized by Section 12-812 of the Illinois Vehicle Code [625 ILCS 5/Ch. 12, Art. VIII].

SOURCE: Filed June 20, 1977; amended at 6 Ill. Reg. 7147, effective June 2, 1982; codified at 8 Ill. Reg. 15502; amended at 11 Ill. Reg. 15947, effective September 21, 1987; amended at 12 Ill. Reg. 8463, effective May 3, 1988; amended at 16 Ill. Reg. 1655, effective January 14, 1992; amended at 17 Ill. Reg. 3530, effective March 2, 1993; amended at 18 Ill. Reg. 14764, effective September 20, 1994; amended at 22 Ill. Reg. 19354, effective OCT 15 1997.

NOTE: In this Part, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

SUBPART A: INTRODUCTION

Section 440.20 Guidelines

a) The Division of Traffic Safety manual entitled Illinois Minimum Safety Standards for Construction of School Buses is designated as Subparts B through F.

b) This Part Manual provides:

a) General information on the appropriate portions of the Illinois Vehicle Code [625 ILCS 5], the applicability of the standards to public and private agencies, the purpose of the standards and the scope of the standards.

b) Definitions of terms used in this Part the regulations.

c) Requirements for manufacturer's certification related to federal and State standards.

d) Federal and State standards applicable to the bodies of school buses.

e) Federal and State standards applicable to the chassis of school buses.



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service-between-attendance-centers-or-other-educational facilities-and-not-over-a-regular-or-customary-school-bus route;  
(2) A motor vehicle which is not registered as a school bus under Section 3-880;  
(3) A religious organization bus as defined in Sec. 1-171-01.

"SI" means "Système International d'Unités" (International System of Units); officially abbreviated SI in all languages; the "modernized metric system" defined in ANSI IEEE-ASTM-SI-10-1997 #210-1-1973--and described in ANSI Z39-10-1 (1973-1970).

The symbol " ", following a numeral, means either "inch" or "inches".

"type-I-School-Bus" means a school bus with a gross vehicle weight rating of more than 10,000 pounds;

"type-II-School-Bus" means a school bus with a gross vehicle weight rating of 10,000 pounds or less;

(Source: Amended at 22 Ill. Reg. 19354, effective 06/15/1997)

SUBPART D: CERTIFICATION

Section 440.305 Certification by Manufacturer

The manufacturer shall certify the bus conforms to the applicable federal and State standards in effect on the first day of the month shown in the statement, "This Vehicle Conforms To All Applicable Federal Motor Vehicle Safety Standards In Effect in (month, year)" on the label required under Section 440.310. The manufacturer must also certify that the bus conforms to all applicable State standards. 7--below--or--for--State-standards-only--on-a-later-month (See Section 440.320, below). The certification shall be present in the bus when delivered to the purchaser as well as when submitted to the first safety test conducted under provisions of Section 13-109 of the Code [625 ILCS 5/13-109] 13-109--IVE.

(Source: Amended at 22 Ill. Reg. 19354, effective 06/15/1997)

SUBPART E: BODY REQUIREMENTS

Section 440.405 Conformance to the Requirements

At the time of the first safety test conducted under provisions of Section 13-109 of the Code [625 ILCS 5/13-109] 13-109--IVE, and when delivered to the

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Any primary or secondary school operated by a religious institution; or  
Any public, private or religious nursery school.

This definition shall not include the following:

A bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interurban transportation of passengers when such bus is not traveling a specific school bus route but is:

On a regularly scheduled route for the transportation of other fare paying passengers;

Furnishing charter service for the transportation of groups on field trips or other special trips or in connection with other special events; or

Being used for shuttle service between attendance centers or other educational facilities.

A motor vehicle of the first division.

A motor vehicle designed for the transportation of not less than 7 nor more than 16 persons that is operated by or for a public or private primary or secondary school, including any primary or secondary school operated by a religious institution, for the purpose of transporting not more than 15 students to and from interscholastic athletic or other interscholastic or school sponsored activities. [625 ILCS 5/1-182]

"School-Bus" means (IVE Sec. 1-182):

(a) -----every motor vehicle, except as provided in paragraph (b), owned or operated by or for any of the following entities for the transportation of persons in connection with any activity of the entity: --a school operated by a religious institution or a public or private nursery, primary or secondary school; or --or parental school.

(b) This definition does not include the following:

(i) A bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interurban transportation of passengers when such bus is on a regularly scheduled route for the transportation of other fare paying passengers; or --furnishing charter service for the transportation of groups on field trips or other special trips; or --in connection with special events or for shuttle



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or, when such door is absent, to the forward edge of the rear most seat. This aisle shall be no less than 305 mm (12") wide at every location between floor covering and the top of each seat cushion and, in a bus manufactured in July 1987 or later, shall be no less than 380 mm (15") wide at and above a level 50 mm (2") below the top of any seat back on a non-handicapped student's seat. At least 1.75m (68.9") floor-to-ceiling height shall be provided above the entire required width of this aisle between the forward edge of the rear most seat and the forward edge of the service entrance stairway. A dedicated aisle that which conforms to 49 CFR 571.217 as amended at 57-PR-49437, November-27-1992 and as amended at 57-PR-570007-December-27-1992 and as amended at 59-PR-329977-May-4-1994 may be adjacent to any side emergency door.

b) Battery. Either one battery or two or more suitably connected batteries may be installed.

1) When rated in conformance with SAE Standard J537h the battery(s) shall provide a current flow for engine cranking no less than the engine manufacturer's recommended Cold Cranking Current (amperes for 30 seconds) at -18° C (0° F) or, at the purchaser's option, at -29° C (-20° F).

2) When rated in conformance with SAE Standard J537h the battery(s) shall provide a Reserve Capacity (duration of 25 ampere current flow) at 27° C (80° F) no less than 135 minutes.

AGENCY NOTE: Agency-Note: If the purchaser needs to provide for extended cold weather bus operation immediately after malfunction or failure of the battery charging equipment he should specify battery reserve capacity, and temperature, commensurate with the temperature and duration of extended operation needed.

c) Battery Carrier. When the battery is mounted outside the engine compartment it shall be attached securely in a closed, weather-tight, and vented compartment that is located and arranged so as to provide for convenient routine servicing. The battery compartment door, or cover, shall be secured by an adequate manually operated latch(es) or other fastener(s). Each electrical cable connecting the battery(s) in this carrier to the body or chassis shall be one-piece between the battery terminal connector and the first body or chassis terminal connector.

d) Bumper, Rear. The rear bumper shall be of channel type cross section with the top edge at least 225 mm (8.9") above the bottom edge, shall be formed from rolled steel at least 4.55 mm (.18") thick, and shall wrap around the rear corners of the body to a point at least 300 mm (11.8") forward of the rear most point of the body at floor line. The rear bumper shall be attached to the chassis frame with provisions for removal by means of commonly available hand tools and the prevention of hitching-to or riding thereon. The rear bumper shall be of sufficient strength to permit the bus being pushed by another vehicle without permanent distortion.

e) Capacity, Passenger. The vehicle maximum passenger capacity

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purchaser, the body of each Type I School Bus shall conform to the requirements stated or referred to in this Subpart. Some chassis requirements also applicable to the body are stated or referred to herein.

(Source: Amended at 22 Ill. Reg. 19354, effective OCT 15 1997)

Section 440.410 Incorporation by Reference of Federal Motor Vehicle Safety Standards

Each bus body must conform to the applicable provisions of the Federal Motor Vehicle Safety Standards (FMVSS) (49 CFR 571.101 through 571.304 571-100 through-571-302). Those applicable provisions of the FMVSS are incorporated by reference as that Subpart of the FMVSS was in effect on October 1, 1997 1992-as amended-at-57-PR-49437-November-27-1992-as-amended-at-57-PR-570007-December-27-1992-and-as-amended-at-57-PR-570007-December-27-1992-and-as-amended-at-59-PR-329977-May-4-1994. No later amendments to or editions of 49 CFR 571.101 through 571.304 571-100 through-571-302 are incorporated.

(Source: Amended at 22 Ill. Reg. 19354, effective OCT 15 1997)

Section 440.420 State Requirements

Except for mirrors, which may project 153 mm (6") beyond each side of the bus, a school bus shall not exceed 2.44 m (8 feet) in width, 4.12 m (13 feet 6 inches) in height, nor 12.81 m (42 feet) in length. (Rev-Stat-1992-1991-ch-95-1/27-par-45-103-and-15-107) (625 ILCS 5/15-102, 15-103 and 15-107) However, a new bus will not be considered in nonconformance with these standards and will not be rejected in a safety test because one or more signal-clearance parking or driving lamps, mirror frames or supports bumpers, rub rails, flexible portions of fender skirts or splash guards, or other safety devices extend beyond the above stated limits as necessary to prevent a snagging, sharp or abrupt surface constituting an unwarranted hazard to a pedestrian. Each bus body shall be constructed so as to preclude road splash, road dust, or the bus engine's fumes or gas entering either the driver, passenger, or service entrance space through any joint, crack, hole, or opening other than an opened door or window. In addition, various portions of the bus body shall conform to the requirements set forth under the following subsections.

a) Aisle. An aisle, easily negotiated ("easily negotiated" means that an aisle meets the dimension requirements set forth in this subsection from front of bus to back of bus) and free of tripping hazards ("tripping hazards" are tears, wrinkles and other imperfections in the floor covering material, or the floor itself causing the walking surface to be uneven), shall extend from the forward edge of the service entrance stairway to the emergency door in the rear of the bus

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recommended by the manufacturer of the bus shall be based upon a provision for 13 inches of seating space for each passenger, exclusive of the driver. [625 ILCS 5/12-802] ~~The rated passenger capacity of the bus shall be the same as the number of 330-mm (13-in) wide protected, convalescent, or handicapped passenger seating spaces either installed or provided for in the bus (111:Rev-Stat--1989;--enr--95-1/2;--par-12-882);~~ Example: A seat 990 mm (39") in width provides 3 passenger spaces; A seat 985 mm (38.8") in width provides 2 passenger spaces; A device resembling a seat but less than 330 mm (13") in width would not provide a passenger space. Neither a space not conforming to FMVSS 222 nor the driver's space shall be counted as a passenger space. However, except that any suitable space used for transporting an orthopedically challenged ~~a--convalescent--or--handicapped~~ passenger shall be counted as a passenger space when computing passenger capacity to be displayed on the exterior of the bus as required in subsection (t)(7).

f) Certificate and Registration Card Holder. At least 1 card holder with a transparent face no less than 150 mm by 100 mm (5.9" by 3.9") shall be securely affixed to the interior inside header panel out of the students' easy reach.

g) Color and Paint, Exterior. ~~The exterior of each school bus shall be national school bus glossy yellow except as indicated in subsections (g)(1)-(6): Except where otherwise specified, or allowed, the exterior of the bus shall be--National--School--Bus--Chrome--Yellow--(Federal Standard No--595a--glossy-chrome-yellow-enamel-No-13432);~~

1) ~~The rooftop may be white. A white roof may extend only to within six inches above the drip rails on the sides of the body. The front and rear roof caps shall remain national school bus glossy yellow.~~

2) ~~Body trim, rub rails, lettering other than on a stop signal arm and bumpers shall be glossy black (Federal Standard No. 595a, glossy black enamel No. 170381).~~

3) ~~Lettering on a stop signal arm shall be white on a red background.~~

4) ~~The hood and upper cowl may be lusterless black (595a, 37038) or lusterless school bus yellow.~~

5) ~~Grilles on the front, lamp trim and hubcaps may be a bright finish.~~

6) ~~The name or emblem of a manufacturer may be colorless or any color.~~

7) ~~The exterior paint of any school bus shall match the central value, hue and chroma set forth in this Part. [625 ILCS 5/12-801]~~

8) ~~Yellow retroreflective tape required by 49 CFR 517.217 can be located on the rear bumper provided the space between the top of the bumper and the bottom of the door is not adequate to accommodate the tape.~~

AGENCY NOTE: To be certain of glare reduction, a purchaser should specify a lusterless paint.

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## h) Crossing Control Arm:

1) ~~Required on school buses manufactured after December 31, 1997. [625 ILCS 5/12-807.2] (See P.A. 90-108, effective July 14, 1997.)~~

2) ~~Must meet or exceed SAE J1133.~~

3) ~~Must be capable of full operation between, and including, the temperatures -40 degrees F and 160 degrees F.~~

4) ~~The arm, when activated, must extend a minimum of five feet from the front face of the bumper.~~

5) ~~The arm must be mounted on the far right side (entry side) of the front bumper.~~

6) ~~Appropriate brackets shall be used to attach the arm to the front bumper for proper operation and storage.~~

7) ~~All component parts must meet or exceed any applicable federal motor vehicle safety standards in effect at the time of manufacture.~~

8) ~~The arm must extend at the same time the stop arm panel extends. An independent "On/Off" switch is prohibited.~~

9) ~~If the driver can stop the arm from extending with the use of an optional override switch, the arm sequence must automatically reset once the service door is closed.~~

10) ~~Red lights and/or red reflectors are prohibited.~~

11) ~~Bumper, wheel, rub rail, and body trim (if used) shall be black (Federal Standard No. 595a, glossy black enamel No. 170381).~~

2) ~~Hood top may be either lusterless black (595a, 37038) or lusterless chrome yellow.~~

Agency Note: To be certain of glare reduction, a purchaser should specify a lusterless paint.

3) ~~Cowl top may be same finish as hood top.~~

4) ~~Hub caps (if supplied) and those grilles located forward of the engine may be a bright or light finish such as chrome, aluminum white, etc.~~

11) Defrosters. Defrosting equipment shall be installed so as to help keep the window to the left of the driver and the glass in the service door clear of fog or frost. This defrosting equipment shall conform to those FMVSS 103 [49 CFR 571.103] performance requirements that are applicable to school bus windshields.

1) Emergency Exits. All emergency exits shall conform to the applicable requirements of FMVSS 217 [49 CFR 571.217] ~~The following requirements apply to emergency exit doors and emergency exit windows.~~

1) Each opening for a required emergency exit must be outlined around its exterior perimeter with, at a minimum, 1 inch (2.54 cm) wide yellow retroreflective tape. This yellow retroreflective tape must be on the exterior surface of the bus and conform to all requirements of 49 CFR 571.217.

2) Both audible and visible alarms shall alert the driver when the engine is running and any emergency exit door either:

A) Is not fully latched, or



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- B) Is locked and not readily operated manually.  
3) An audible alarm shall alert the driver when the engine is running and any emergency exit window either:  
A) Is not fully latched, or  
B) Is locked and not readily operated manually.  
4) The engine starting system shall not operate while any emergency exit door or window (Optional or required) is locked from either inside or outside the bus. "Locked" means that the release mechanism cannot be activated and the exit cannot be opened by a person at the exit without a special device such as a key or special information such as a combination.  
5) An alarm cut-off or "squench" control is prohibited.  
6) Exception: No alarm is required for roof hatches.  
1) A black arrow, curved or straight, at least 150 mm (5.9 in) in length and 15 mm (.6 in) in width, showing the direction each outside emergency exit release mechanism is to be moved to open the emergency exit shall be painted or permanently affixed on the outside yellow portion of the bus within 150 mm (5.9 in) of each release mechanism.  
2) An arrow showing the direction each inside emergency exit release mechanism is to be moved to open the emergency exit shall be painted or permanently affixed inside the bus within 150 mm (5.9 in) of each emergency exit release mechanism. Each inside arrow shall contrast with its background and where suitable space is limited may be smaller than the outside arrow but must be conspicuous.  
3) An audible and visible alarm shall be provided which will alert the driver when the engine is running and an emergency exit is locked and cannot be opened quickly and solely by operating the inside or outside emergency exit release mechanism in accordance with the arrow and instruction provided adjacent to the release mechanism.  
4) An audible and visible alarm shall be provided which will alert the driver when the engine is running and either an emergency exit window located within 460 mm (18 in) of the seating surface of a passenger seat or an emergency exit door is released or is unlatched.  
5) An alarm device, "squeeze control" or other alarm defeating or attenuating device shall not be installed.  
6) For buses manufactured on or after May 2, 1994, each opening for a required emergency exit must be outlined around its outside perimeter with a minimum 1 inch (2.54 cm) wide yellow retroreflective tape. This yellow retroreflective tape must be on the exterior surface of the bus and conform to all requirements of 49 CFR 571.217 (as amended at 57 FR 49137 November 27, 1992 and as amended at 57 FR 57020 December 27, 1992).

k) Fire extinguisher.

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AGENCY NOTE Agency--Note: At least one fire extinguisher must be carried in each school bus transporting pupils but the purchaser may elect to install an extinguisher that which conforms to the requirements below after the bus is purchased.  
The fire extinguisher shall be of the dry chemical type, with pressure gauge, mounted in a quick-release bracket of automotive type located in view of and readily accessible to the driver, except when carried in the locked compartment authorized under subsection (u) below.  
The fire extinguisher shall be of a type approved by the Underwriters' Laboratories, Inc., with a rating not less than 10-BC. The operating mechanism shall be sealed with a type of seal that will not interfere with the use of the fire extinguisher. Halon fire extinguishers (10-BC) are approved.

l) First-Aid Kit.

AGENCY NOTE: A first aid kit must be carried in each school bus transporting pupils but the owner may elect to install a kit that which conforms to this subsection after the bus is purchased.

- 1) The first aid kit must be readily identifiable and readily accessible to the driver. The kit must be dust tight and substantially constructed of durable material. If the kit is not carried in the locked compartment as authorized in subsection (u)(2)(k)(2), it must be in view of the driver.  
2) The first aid kit must include, but is not limited to, the following:  
A) 4" bandage compress - 2 packages  
B) 2" bandage compress - 2 packages  
C) 1" bandage or adhesive compress - 1 package  
D) 40" triangle bandage with two safety pins - 1  
E) Splint, wire or wood - 1  
3) A tourniquet or any type of ointment, antiseptic or other medicine cannot be included.

m) Floor Covering.

- 1) All portions of the floor that come in contact with passengers' or driver's footwear shall be covered with a waterproof material. This floor covering shall not crack when subjected to sudden temperature change and shall be bonded securely to the floor with a waterproof substance. All seams and openings shall be filled with a waterproof sealer.  
2) The floor covering in the aisles and entrance area shall be of ribbed, non-skid, wear-resistance type material commonly used in commercial passenger transportation vehicles.

n) Fuel System.

The fuel system shall conform to all applicable provisions of FMVSS 301 (49 CFR 301). Neither a fuel tank nor a fuel tube, pipe or hose may be installed within 300 mm (11.8 in) of the left exterior surface of a bus with GVWR 49000 pound or less unless such tank, tube, pipe or hose either is located wholly inboard the left of the chassis frame (or equivalent structural member) or is installed in a bus conforming



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to-56-27-56-37-and-56-4-in-FMVSS-301-75-(49-CFR-571-301-75)---A---bus with-SWR-107000-pounds-or-less-constructed-of-an-incomplete-vehicle manufactured-before-September-17-1977-shall-be-deemed-not-conforming to-56-27-56-37-and-56-4-in-FMVSS-301-75-unless-the-label-required under-Section-440-310-states-the-bus-(vehicle)-conforms-to-FMVSS-in effect-September-1977-(977)-or-the-manufacturer-furnishes-a-separate certification-which-states-the-bus-conforms-to-56-27-56-37-and-56-4-in FMVSS-301-75---This-separate-certification-shall-be-lettered-and affixed-in-the-same-manner-and-location-as-the-label-required-in Section-440-320.

## D) Glazing Materials.

## 1) The following applies to glazing on Type I school buses:

A) Laminated safety glass is optional on Type I school buses. All applicable provisions of FMVSS 205 (49 CFR 205) apply to the optional laminated safety glass and also to any plastic material(s) used in multiple-glazed unit, including meeting the pertinent tests indicated below, that which are specified in ANSI Standard Z26.1-1996 1966-(R-1973), Z26.1a-1996 1969, and are grouped in Table No. 1 of that Standard. Glazing shall be identified as shown below.

Glazing installed in:	Shall meet tests grouped in Z26.1 Table No. 1 under:	Shall bear one of the following identification markings:
Windshield	Item 1, either laminated glass or multiple glazed unit;	AS 1 Glass;
Window or door forward of rear-most location of driver's seat back		AS 1 Glass, or or AS 2 Glass;
All Other locations		AS 1 Glass, or AS 2 Glass, or AS 3 Glass.
B) In addition, any exposed plastic layer of a multiple glazed unit shall be identified in conformance with FMVSS 205 (49 CFR 571.205).		

2) All glazing shall be installed so the identification markings are legible.

## D) Heaters.

1) An interior inside temperature of not less than 10 degrees Celsius (50 degrees F) shall be maintained throughout the bus while the bus is moving at 75 kilometers per hour (46.6 miles per

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hour) in calm air at the average minimum January temperature, as established by the Weather Bureau, U.S. Department of Commerce, for the area in which the bus is to be operated.

2) Each heater shall bear a nameplate that which shall identify the heater manufacturer and state the heater capacity rating when tested as recommended in SAE Recommended Practice J638, or when tested in accordance with other nationally recognized standard or code. The recommended practice, standard, or code under which the heater is rated shall be identified on the nameplate. Such nameplate shall constitute certification by the heater manufacturer that the heater performance is as shown on the plate.

3) Heater hoses shall be supported so as to prevent wear due to vibration. The hoses shall not dangle or rub against the chassis or sharp edges and shall neither interfere with nor restrict the operation of any engine function (such as an emission or ignition control mechanism). Heater hoses shall be protected or baffled between the point at which they enter the passenger compartment and the point of attachment to the heater so that, in the event of hose rupture or disconnection, passengers and/or driver will not be subject to hot water burns.

g) Heater Hose Connections at Engine. Each heater hose connection to the engine shall include a shutoff valve located as close to the engine as practical. Such connection and valve shall not interfere with any engine function whether closed, partially open, or fully open, with heater hoses installed properly.

l) Interior.  
1) Thermal and acoustic material(s) shall be installed in the ceiling and the sides of the body to reduce heat transfer and the interior noise level.

2) The passenger compartment of the bus, including the ceiling, shall be free of any visible or concealed projections likely to cause injury. Exposed lapped joints shall be connected and/or treated to reduce likelihood of injury from exposed edges. Materials or components in the passenger compartment located within 59 inches from the floor shall be free of any sharp corner or projections or shall be padded so as to make injury unlikely.

s) Lamps and Signals.

t) For informational purposes, pertinent requirements established by certain statutes and rules follow:

A) Whenever a school bus is operated for the purpose of transporting passengers other than persons in connection with an activity of the school or religious organization which owns the school bus or for which the school bus is operated, the signal arm and flashing signal system shall not be operable through normal controls. 625-1069 5/12-0067

B) The following applies to stop arm panels on type I school



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m(2) (19in(2)).

4) 5 Side Turn Signals. Two yellow side turn signal lamps conforming to SAE Recommended Practice J914a, August 1973, shall be installed on each bus of more than 32 passenger seating capacity. Except as indicated below, this Recommended Practice shall be read as setting forth mandatory requirements. The lamps shall be "armored" and mounted on the body between the rub rails required under subsection (bb) ¶7. The right lamp shall be within 1 m (39.4") of the rear of the service entrance but, on a forward control bus, not forward of the front axle. The left lamp shall be approximately the same distance from the front bumper as the right lamp.

5) 6 Interior Lighting. At least the white nosings of the service entrance steps (subsection (ee) ¶¶(3)), the floor around the stepwell, the entire aisle, and each emergency door and emergency exit shall be illuminated by lamp(s) emitting a white light. At least two 2 interior illumination lamps shall be installed in a bus that provides 330 mm (13") of seating width for each of 33 or more passengers. At least the nosings of the service entrance steps and the floor around the stepwell shall be illuminated automatically by opening of the service door. No lamp shall be installed at or near the eye level of a pupil moving through the service entranceway to the aisle unless such lamp does not shine directly into the eye(s) of any such pupil.

t) 7 Lettering.

1) General. Except where otherwise required or allowed, lettering on the exterior outside of the body shall be black against a national school bus glossy yellow National--School--Bus--Chrome yellow background. All required letters and numerals shall conform to Series "B", or heavier series, of the Standard Alphabets for Highway Signs issued by the Federal Highway Administration, Washington, D.C. 20591. Decals may be used instead of paint. Signs, numbers, or letterings, other than those either required by statutes or required or permitted by these standards shall not be affixed permanently on either the exterior outside of the bus or the interior inside-of glazing so as to be visible to the outside. Interior inside lettering shall contrast with its background.

2) The words "SCHOOL BUS" shall be displayed against a national school bus glossy yellow National--School--Bus--Chrome--Yellow background as high as practical and approximately centered on the front and rear of the bus body, in letters at least 200 mm (8") high. These words may be painted on or applied to the bus body or displayed on a sign firmly attached to or built into the body. The background of an illuminated sign shall approximate the national school bus glossy yellow National--School--Bus--Chrome yellow color as closely as feasible.

3) A school bus identification number, supplied by the purchaser,

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shall be displayed as high as practical on the front and rear of the bus in numerals not less than 100 mm (4") high. Such number may be displayed on the sides of the bus as specified by the purchaser.

4) Either the owner's name or the school district number or both must be displayed on both sides of the bus at least four inches high, approximately centered and as high as practicable below the window line. (Section 12-802 of the Code) The lettering must be located on one line. The name of the bus owner and/or the entire (such as school authority) for which the bus is operated shall be displayed on the right and left sides of the body, approximately centered and as high as practical below the window line, in letters at least 100 mm (4") high.

5) The body and/or chassis manufacturer's name, emblem, or other identification may be displayed, colorless or in any color, on any unglazed surface of the bus so as not to be mistaken for the name required in subsection (t)(4) above Section 440-480(9)(4), and so as not to interfere with any required letters or numerals. The words "EMPTY WEIGHT", or the abbreviation "EMPTY WT.", or the letters "E.W.", followed by the empty weight of the bus (Section 440.220), stated in pounds, shall be displayed on the exterior outside of the body near the rear edge of the service entrance in numerals and letters at least 50 mm (2") high.

Examples: EMPTY WEIGHT 16,800 lb E.W. 16,800 lb

7) The word "CAPACITY", or the abbreviation "CAP.", and the rated passenger capacity (subsection (e) above) followed by the word "PASSENGERS", or the abbreviation "PASS.", shall be displayed on the exterior outside of the body near the rear edge of the service entranceway, and on the interior inside above the right portion of the windshield, in numerals and letters at least 50 mm (2") high.

8) The words "NO STANDERS" shall be displayed only on the interior inside above the windshield, approximately opposite the aisle but to the right of the mirror and sun visor, in letters at least 50 mm (2") high.

9) The words "EMERGENCY DOOR" or "EMERGENCY EXIT" in letters at least 5 cm high must may be displayed on the interior and exterior of inside-or-outside the bus. "EMERGENCY DOOR" must be displayed at the top of, or directly above, any emergency exit door. "EMERGENCY EXIT" must be displayed at the top of, or directly above, or at the bottom of, any emergency exit window. They may be displayed on a separate colorless background (such as white, aluminum, or silver) that extends no more than 15 mm (.6") above or below the words and no more than 25 mm (1") to the right or left of the words. The words "NO STANDERS" and/or the capacity--(subsection(9))--may--be--so--displayed--on--the--inside



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- only-
- 10) A black arrow, curved or straight, at least 150 mm (5.9") in length and 15 mm (.6") in width, showing the direction each exterior emergency exit release mechanism is to be moved to open the emergency exit, shall be painted or permanently affixed on the exterior yellow portion of the bus within 150 mm (5.9") of each release mechanism.
- 11) An arrow showing the direction each interior emergency exit release mechanism is to be moved to open the emergency exit shall be painted or permanently affixed on the interior of the bus within 150 mm (5.9") of each emergency exit release mechanism. Each interior arrow shall contrast with its background and, where suitable space is limited, may be smaller than the exterior arrow(s) but must be conspicuous.

- 12) Alternate Fuel
- A) If the bus uses alternate fuel (e.g., propane, CNG), the vehicle must be marked with an identifying decal. Such decal shall be diamond shaped with white or silver scotchlite letters one inch in height and a stroke of the brush at least 1/4 inch wide on a black background with a white or silver scotchlite border bearing either the words or letters:

"PROPANE" = If propelled by liquefied petroleum gas other than liquefied natural gas; or

"CNG" = If propelled by compressed natural gas. The sign or decal shall be maintained in good legible condition.

- B) The alternate fuel decal shall be displayed near the rear bumper and visible from the rear of the vehicle. (Section 12-704.3 of the Code)

- 13) For buses manufactured after December 31, 1998, the vehicle's length (rounded up to nearest whole foot) must be displayed on the interior bulkhead clearly within the driver's view. (For example: vehicle length of 39.1 feet will be displayed as 40 feet.)

- 14) A "Stop Line" in contrasting color is required between 5.9 and 6.1 inches below the top of each side window opening. The line shall be located between each window that slides downward.

u) Locked Compartment (Optional). If specified by the purchaser, a lockable compartment may be installed for storage of fire extinguisher, first-aid kit, warning devices, wheel chocks, or other items.

- 1) The compartment locking device shall be connected with an automatic audible and visible alarm that will alert the driver when the engine is running and the compartment is locked. No

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- alarm disconnect, "squelch control", or other alarm defeating mechanism shall be installed.
- 2) A red cross, formed of five equal squares, and the words "FIRST-AID KIT" shall be displayed on the compartment door, or cover, if the first-aid kit is to be carried in the locked compartment.
- 3) The words "FIRE EXTINGUISHER" shall be displayed on the compartment door, or cover, if the fire extinguisher is to be carried in the locked compartment.

v) Metal Treatment.

- 1) Unless excluded below, all steel or iron used in construction of the bus body and attached equipment shall be either resistant to atmospheric corrosion, or zinc coated, or treated by equivalent process. Particular attention shall be given to each fastener or attaching device, lapped surface, welded connection or fastening, cut edge, punched or drilled hole, surface subjected to abrasion, closed or box section, and any unvented or undrained area or space. The number of unvented or undrained areas or spaces is to be minimized. Excluded are door handles, grab handles, and interior decorative parts.

- 2) As evidence that above requirements have been met, a sample of fastener, material, or section of body, coated or finished as installed in the bus, when subjected to a 1,000-hour salt spray test in accordance with American Society for Testing and Materials (ASTM) Standard B-117-1997 "Method of Salt Spray (Fog) Testing" Standard--ANSI--Z39.9-1974--"Method-of-Salt-Spray-Fog Testing"--(ASTM-B-117-73) shall not exhibit more than 10 percent reduction in weight after all adherent corrosion products are removed.

- w) Mirrors. Mirrors located inside or outside the bus shall be firmly supported, shall be adjustable, and shall afford the seated driver a clear, stable, reflected view.

- 1) All mirror systems shall conform to the applicable requirements of FMVSS 111 (49 CFR 571.111).
- 2) More convex mirrors than required above may be installed, if specified by the purchaser.

- 3) The reflecting surface on the back of each mirror shall be protected from abrasion, scratching, and atmospheric corrosion.

- 4) At least one interior mirror shall be installed so as to afford the seated driver a view of the bus interior as well as portions of the roadway to the rear of the bus. The mirror(s) shall be of clear glass, shall have an overall reflecting surface at least 150 mm (5.9") by 760 mm (29.9") and shall be framed with rounded corners and padded edges.

- 5) An outside convex mirror shall be installed on the right side so as to afford the seated driver a reflected view of the roadway along the right side of the bus from at least the rear most surface of the rear bumper to at least the forward most surface of

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- the right front tire. The projected reflecting area of this convex mirror shall be no less than .020 m<sup>2</sup> (43.4 sq. in.).
- 3) An outside convex mirror shall be installed on the left side so as to afford the seated driver a reflected view of the roadway along the left side of the bus from at least the rear most surface of the rear bumper to at least the front edge of the driver's seat in its most forward position.
- 4) If any seated driver of a forward control bus does not have a view of the front bumper and the roadway in front of the bus, a convex mirror shall be installed so as to afford such seated driver a reflected view of the front bumper and the roadway in front of the bus.
- AGENCY NOTE: FMVSS-111 requires a cross view mirror on conventional school buses but not on forward control buses.
- 5) More convex mirrors than required above may be installed, if specified by the purchaser.
- 6) Each convex mirror shall be mounted so as not to reduce the rectangular reflecting area of any flat outside mirror below .0323 m<sup>2</sup> (50 sq. in.).
- 7) The average radius of curvature of each convex mirror shall be as long as practical, so as to provide for the required or desired view with as little distortion as feasible.
- 8) The reflecting surface on the back of each mirror shall be protected from abrasion, scratching and atmospheric corrosion.
- X) Mounting of Body. This subsection does not apply to an integral type bus.
- 1) After the date of manufacture of the incomplete vehicle the chassis frame shall not be altered so as to extend the wheelbase. Other extension(s) of the chassis frame may be accomplished only by the incomplete vehicle, intermediate, or final stage manufacturer or by an agent of such manufacturer properly instructed and authorized by such manufacturer to make such extension(s).
- 2) Insulating material shall be placed at all mounting points between the body and chassis frame. This material shall be at least 5 mm (.2") thick, may have the quality of the sidewall of an automobile tire, and shall be so secured that it will not move, vibrate, or "crawl" out of place during normal operations.
- 3) The body front shall be attached and sealed to the chassis cowl so as to prevent the entry of water, dust, or fumes through the joint between the chassis cowl and the body.
- Y) Radio Noise. For buses manufactured after December 31, 1998, radio/stereo speakers must be located at least four feet behind the rear most position of the driver's seat.
- AGENCY NOTE: Two-way communication radios are allowed.
- Z) Rack, Book. Not permissible.
- aa) Reflectors. Front. Two yellow amber reflectors are required to be installed so as to indicate either or both of the outer edges of

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the bus to a driver approaching the front of the unlighted bus between sunset and sunrise: 625-156S-5/12-2021

## 1) Front

A) Two yellow rigid or sheet type (tape) front reflex reflectors shall be attached securely and as far forward as practicable, (Section 12-202 of the Code) They shall be located between 15 and 60 inches above the roadway at either fender, cowl, or body and installed so as to mark the outer edge of the maximum width of the bus. No part of the required reflecting material may be obscured by a lamp, mirror, bracket, or any other portion of the bus. No part of the required reflecting material may be more than 11.8 inches (300 mm) inboard of the outer edge of the nearest rail. The reflector may be any shape (e.g., square, rectangle, circle, oval, etc.). A rigid type reflex reflector may be any size if permanently marked either DOT, SAE A, or SAE J 594; otherwise, it shall display at least seven square inches of reflecting material (about three inch diameter if a solid circle).

B) A sheet type (tape) reflex reflector which conforms to FMVSS 108 (49 CFR 571.108 (S5.7.1.2)) may be used but its forward projected reflecting area shall be at least eight square inches.

## 2) Left Side

One amber at or near the front and one red at or near the rear. Mounted at a height not less than 15 inches and not more than 60 inches above the surface of the road. On sides of buses 20 feet or more in length, one amber as near center as practicable must also be provided. (Section 12-202 of the Code) The reflector must measure a minimum of three inches in diameter.

## 3) Right Side

One amber at or near the front and one red at or near the rear. Mounted at a height not less than 15 inches and not more than 60 inches above the surface of the road. On sides of buses 20 feet or more in length, one amber as near center as practicable must also be provided. (Section 12-202 of the Code) The reflector must measure a minimum of three inches in diameter.

## 4) Rear

Two red reflectors on rear body within 12 inches of lower right and lower left corners. (Section 12-202 of the Code) The reflector must measure a minimum of three inches in diameter.

1) Two yellow front reflectors, either prismatic or sheet (tape) shall be installed between 300 mm and 1525 mm (15" - 6'6") above the roadway on either the fenders, the cowl or the body as far apart as practical but with no part of the reflecting surface more than 300 mm (11 3/4") inboard of the maximum width of the bus at and including the rub rails required under subsection (2) below.



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- 2) A--prismatic--reflex--reflector--if--installed--shall--meet--the performance--requirements--of--FMVSS-108--and--be--installed--with--its front--face--essentially--vertical--and--facing--no--more--than--11-3 degrees--outboard--of--forward.
- 3) Sheet--or--cap--if--installed--shall--be--of--reflex--reflective material--conforming--to--the--specification--in--440-Appendix-C--The forward--projected--area--of--such--reflector--shall--be--no--less--than --805--m<sup>2</sup>--(8--sq--in--).

## bb) 7) Rub Rails.

- 1) Rub rails of longitudinally corrugated or ribbed steel at least 100 mm (3.9") wide shall be fixed on the exterior outside of the bus.
- 2) There shall be one rub rail located approximately at seat level that which shall extend from the rear of the service entrance completely around the bus body without interruption, except at a rear emergency door or a rear compartment, to a point of curvature near the front of the body on the left side.
- 3) There shall be one rub rail on each side located approximately at floor line that which shall extend over the same longitudinal distance as the rub rail required under subsection (b)(2) (7) (2), above, except:
- A) This rub rail need not extend across a wheel housing, and
- B) This rub rail may terminate at the radii of the right and left rear corners of the body.
- 4) Each rub rail required above shall be fastened to the bus body so as to attain at least 60 percent of the tensile strength of the weakest joined material, when strained in a direction parallel to the length of the rub rail.
- 5) Each joint in a rub rail required above shall be constructed so as to attain at least 60 percent of the tensile strength of a jointless length of rub rail, when strained in a direction parallel to the length of the rub rail.
- 6) More than two 2 rub rails may be installed on a side and/or the rear of a bus.

cc) 1) Seating. Each seat and each barrier are required to conform to FMVSS 222 (49 CFR 571.222) Federal--Motor--Vehicle--Safety--Standards {FMVSS}--See--Sections-440-10-and-440-Appendix-A.

- 1) Seat, Driver's. The driver's seat shall be rigidly positioned, and shall afford both vertical and fore-and-aft adjustments of not less than 100 mm (3.9"), without the use of a tool or other non-attached device. The shortest distance between the steering wheel and the back rest of the operator's seat shall be no less than 280 mm (11").

## 2) Seats, Students'.

- A) Each seat (except as provided in subsection (cc)(4)) shall be constructed so that the shortest straight-line distance from the top of the seat back to the empty seat cushion is 28" when measured near the transverse center of the seat at

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the front of the seat back and along the angle of rearward inclination of the seat back. Since the height of a seat back is difficult to measure precisely on a repeated basis, a measurement of 27.5" or more is deemed acceptable.

- B) Each seat shall be forward facing (except as provided in subsection (cc)(4)).

A) In a bus manufactured in July 1987 or later:

- i) Each--non-handicapped--student's--seat--shall--be constructed--so--that--the--shortest--straight-line distance--from--top--of--seat--back--to--empty--seat--cushion is--28"--when--measured--near--the--transverse--center--of--the seat--at--the--front--of--the--seat--back--and--along--the--angle of--rearward--inclination--of--the--seat--back--Since--the height--of--a--seat--back--is--difficult--to--measure--precisely--on--a--repeated--basis--a--measurement--of 27.5"--or--more--is--deemed--acceptable.

- ii) Each--non-handicapped--student's--seat--shall--be--forward facing.

C) 1) A flip-up seat may be located only immediately adjacent to any side emergency door. The flip-up seat must conform to the following:

- i) The seat must be designed so that, when in the folded position, the seat cushion is flat against the seat back to prevent a child's limb from becoming lodged between the seat cushion and seat back.
- ii) The seat must be designed to discourage a child from standing on the seat cushion when in the folded position.

- iii) The working mechanism under the seat must be covered to eliminate any tripping hazard.

- iv) All sharp metal edges on the seat must be padded to prevent any snagging hazard.

- v) No--portion--of--a--seat--frame--or--seat--bottom--may--extend past--door--opening.

- v) 1) No portion of the door latch mechanism can be obstructed by a seat.

- vii) 1) There must be at least 11.7 inches (30 cm) measured from the door opening to the seat back in front.

D) For buses manufactured on or after January 1, 1999, optional seat safety belts must be installed according to specifications provided by the bus body manufacturer. This may include reinforced seats and seat frames.

- 3) Barriers, Students'. The in-a-bus-manufactured-in-January-1988 or-later--the vertical distance from the floor covering to the top of a barrier positioned in front of a student's seat (as required by 49 CFR 571.222 FMVSS--f--Section-440-APPENDIX-A-7 Standard-Not-222) shall measure not less than the vertical distance from the floor covering to the top of the seat back on



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the non-handicapped-student's seat installed behind that barrier.

4) In the case of a seat to be occupied by a handicapped student with special needs, the seat back, forward facing, and barrier requirements of subsections (c)(2) ~~and~~ (3) shall be changed only as necessary to meet the needs of the handicapped student with special needs (e.g., seat missing to accommodate wheelchair, hard surfaced stretcher installed to accommodate child who is not capable of sitting in a upright position) (see 92 Ill. Adm. Code 444).

~~dd)bb)~~ Seatbelt(s), Driver's.

1) Each driver's seatbelt assembly shall be arranged so that all portions of the assembly remain above the floor when not in use. Any retractor(s) installed shall be of the automatic locking type.

2) Buses manufactured after December 31, 1998 must be equipped with a lap belt/shoulder harness design for the driver.

~~ee)ff)~~ Service Entrance and Door.

1) The service entrance shall be located on the right side near the front, in unobstructed and convenient view of the driver. The service entrance shall have a minimum vertical opening of 1.7 m (67") and a minimum horizontal opening of 610 mm (24").

2) A steel grab handle not less than 250 mm (9.8") in length shall be firmly attached in an unobstructed location on the left side of inside the entranceway entrance-way as a person enters the bus.

3) The bottom step in the entranceway shall not extend beyond the exterior outside of the body. With all seats empty, the bottom step shall be not less than 300 mm (11.8") and not more than 400 mm (15.7") from the roadway. At least two 2 steps shall be provided. The steps shall be enclosed. Risers shall be approximately equal. Each step, including the floor at the top riser, shall be surfaced with a nonskid material with a 40 mm (1.6") to 80 mm (3.1") white nosing as an integral piece.

4) The service door shall be either manually or power operated by the seated driver. When in the closed and secured position, the door operating mechanism shall prevent accidental opening but shall afford prompt release and opening by the driver. No exposed parts of a door operating mechanism shall come together so as to shear or crush finger(s). The vertical closing edge(s) of a service door shall be padded to lessen chance of injury.

5) A power operated door shall be equipped for emergency manual operation in case of power failure. Instructions for emergency operation of a power operated door shall be affixed permanently on the interior inside of the door in letters at least 12 mm (.5") high.

6) A single-section service door shall be hinged at the front of the service entrance.

7) Glazed panels shall be installed in the service door to afford

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the driver a view of small children outside the door, traffic signs, and intersecting roadways. The bottom of each lower glass panel shall not be more than 10 inches from the top surface of the bottom step. The top of each upper glass panel shall not be more than 3 inches from the top of the door. ~~The bottom of the lowest glazed panel(s) in the door shall be no higher than 900 mm (35.4") from the roadway when all seats are empty. The top of the upper glazed panel(s) shall be no more than 150 mm (5.9") below the top of the door.~~

8) Service Door Lock (Optional). If ordered by the purchaser, a lock may be installed on or at the service door. Any type service door locking system installed in the bus shall conform to at least one of the following requirements.

A) Requirement 1: A locking system shall not be capable of preventing the seated-bus driver from easily and quickly opening the service door, ~~or~~

B) Requirement 2: A locking system that is capable of preventing the seated-bus driver from easily and quickly opening the service door shall include an audible and visible alarm to alert the driver when the engine is running and the service door is locked. No alarm disconnect, "squelch control", or other alarm defeating or attenuating device shall be installed, ~~or~~

C) Requirement 3: A locking system shall not be capable of preventing the seated-bus driver from easily and quickly opening the service door except when, and only when, a person outside the bus uses a key that is not capable of locking more than one of at least 1000 of the door manufacturer's key locking systems.

~~ff)dd)~~ Steering Wheel Clearance. The rim grip of the steering wheel shall have at least 50 mm (2") clearance in all directions, except at the spokes.

~~gg)ee)~~ Steps, Body Front. On each side at the front of the body at least one grab handle and recessed foothold or folding stirrup step shall be installed so as to provide easy access to the windshield for cleaning purposes.

~~hh)ff)~~ Stop Signal Arm Panel.

1) A stop signal arm panel must be installed on the left side of the bus that conforms to 49 CFR 571.131. The panel and may be operated either manually or mechanically. Decals may be used in lieu of painting. Strobe lamps are acceptable on stop signal arm panels arms.

A) For any school bus manufactured on and after September 17, 1992 the arm must be an octagon-shaped semaphore which conforms to 49 CFR 571.131 (October 17, 1992). No later amendments to or editions of 49 CFR 571.131 are incorporated.

B) Buses manufactured prior to September 17, 1992 may either be

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equipped-with-an-octagon-shaped-~~semaphore~~--which-meets--the requirements--in--subsection--(f)(1)(A)--or--a hexagon-shaped-~~semaphore~~--which-meets--the requirements--listed in-subsection--(f)(1)(B);

- 6) Hexagon--The arm--shall--be--a--hexagon-shaped--semaphore approximately--18--inches--wide--and--18--inches--long--and--of--16 gauge metal--The stop-signal arm--shall--have--the word--"STOP" painted--on--both--sides--in--white--letters--at--least--six--inches high--with--a--brush--stroke--approximately--7/8--inch--wide--the word--"STOP" shall--be--painted--on--a--panel--with--red--background of--approximately--8--inches--by--16--inches--the remaining--area of--the--stop--arm--blade--is--to--be--painted--white--with--a--band--of white--border--at--least--1/2--inch--wide--painted--front--and--rear on--both--sides--as--contrast--The white--portion--of--the--stop signal arm--shall--be--reflectorized--or--shall--have--double-faced lamps--with--red--lens--approximately--four--inches--in--diameter located--in--the--top--and--bottommost--position--of--the--blade--these--lamps--shall--light--and--flash--alternately--when--the--stop arm--is--extended--and--likewise--turn--off--and--stop--flashing--when the arm--is--retracted;

- 2) "Operated ... mechanically" shall be interpreted to include power operation. Also, "16-gauge metal" shall be interpreted to include thicker metal and any nonmetallic material equivalent or superior to hot rolled 16-gauge mild steel in stiffness, corrosion resistance, and durability.

- 3) Section 440.115(a)(1) is amended to read: "The octagon-shaped semaphore shall be as depicted in the octagon-shaped semaphore required in subsection (h)(1) of this section."

- 4) When demonstrating conformance with signal operating requirements by performing the sequence of operations specified under subsection (s)(1) (1), the driver, or operator, may employ any independent or manual operation or disconnection of the stop signal arm panel that is provided for convenient use by the seated driver without using any type of tool and without removing any unattached part.

- 5) Additional stop signal arm panels may be added at the purchaser's request. Additional panels must be located on the left side of the bus. Additional panels must operate in conjunction with the required panel and meet all stop arm panel requirements except as follows. The additional panel must not contain any lights, marking or reflective material on the front side of the panel. The additional panel must be located in the rear half of the bus adjacent to the rearmost window.

# ii.1997 Storage Compartment(s) (Optional).

- 1) If installed, the storage compartment(s) shall be fire-resistant and of adequate strength and capacity for the storage of the items to be carried, such as tire chains, tow chains, tools for

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roadside or minor repairs, school activity equipment, etc. The compartment(s) shall provide reasonable security for the contents and shall be constructed and installed so as to preclude passenger injury due to the compartment(s) or the contents becoming dislodged when the bus is subjected to the maximum possible braking force and to minimize chances of such injury when the bus is subjected to a collision impact.

- 2) If a relatively small storage compartment is located inside the passenger compartment, seat cushion(s) alone may not serve as the cover for the compartment.

jj)hh) Sun Visor. An interior, adjustable, transparent, tinted sun visor not less than 150 mm (5.9") high by 760 mm (29.9") wide shall be so installed that it can be turned up and will remain up when not in use. It may be supported so that it can be moved for use on the driver's left, but when used in front of the driver and in a position approximately parallel to the windshield it shall be supported at or near each of its ends so as to minimize its vibration.

kk)ii) Tow Hook, Rear (Optional). Any tow hook(s) installed on the rear shall be attached or braced to the chassis frame, or to an equivalent structural member of an integral type bus. A tow hook may not extend beyond the rear face of the rear bumper.

ll)jj) Undercoating. The underside of the body, including floor members and the side panels below the floor, shall be coated with a fire-resistant undercoating material applied by the spray method so as to seal, insulate, reduce corrosion, and reduce interior noise. Non-metallic components need not be coated.

mm)kk) Ventilation. The body shall be equipped with a controlled ventilation system of sufficient capacity to maintain a satisfactory ratio of outside to inside air under cool and cold operating conditions without opening of windows. With a powered ventilation system, air outlet openings shall be located, sized, and manufactured so that, with doors and windows closed, a positive pressure is maintained in the driver and passenger spaces, to lessen chances of dangerous gas entering such spaces. Fresh air inlet(s) shall be located so as to minimize entrance of either dangerous engine gas or obnoxious engine fumes.

nn)ii) Warning Devices. Either three red cloth flags not less than 12 inches square and three red reflectors a minimum of three inches in diameter or three bi-directional emergency triangles that conform to 49 CFR 571.125. (Section 12-702 of the Code) The kit must be securely stored. Emergency warning devices supplied with the bus shall consist of--3--bi-directional--fluorescent--reflective--day-night--triangular warning-devices--that--conform--to--FMVSS-125-- AGENCY NOTE: A school bus must carry warning devices when on the public roads, but the bus purchaser may elect to install warning devices after the bus is purchased that are in-serviceable--condition and--that--conform--to--625-IBGS-512-702--and--to--school-bus-safety-test requirements.



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oo)mm† Weight Distribution and Gross Weight. Storage or cargo spaces, if installed, and seats shall be located so that when the bus is fully loaded as specified or advertised by the manufacturer the loads exerted on the roadway will exceed neither a tire load rating, nor a gross axle weight rating, nor the gross vehicle weight rating indicated by the data displayed on the label permanently affixed in compliance with Section 440.310.

pp)nn† Wheel Housings.

- 1) Each wheel housing opening shall allow for unimpeded wheel and tire service or removal.

- 2) Each rear wheel housing shall provide the clearance recommended in SAE Information Report J683a, August 1985 July-1966, for installation and use of tire chains on the dual or single tires installed on the rear wheels.

qq)oo† Windows or Glazed Panels, Rear. Glazed panels, or windows, shall be installed in the rear of the bus so as to afford the seated driver a reflected view through the rear of the bus as wide and as high as practical without unduly weakening or increasing the cost of the body structure. Such view shall be as low as allowed by the back(s) of the rear seat(s) except that, when the aisle required under subsection (a), extends to a rear emergency door, an additional lower glazed panel shall be installed to afford the driver an additional view through such panel at least the width of the required aisle and as low and high as practical. Any authorized or required sign(s) or letters or numerals displayed on the glazing in the rear of the bus shall be wholly located at least 112 mm (4.4 in.) above the floor; provided, however, the glazing identification markings required under subsection (n)(2) may be displayed at lower levels.

rr)pp† Window Openings, Side. This subsection does the following subparagraphs do not apply to a window or glazed panel installed forward of a front passenger seat, and are optional for a window installed either beside a rear passenger seat, or in a side emergency exit.

- 1) By sliding downwards each side window not excluded above shall provide an opening (for emergency egress) at least 560 mm (22") wide (fore & aft) and at least 230 mm (9") high. However, with the window in its lowest position the opening shall be at least 460 mm (18.1") above the seating surface of any passenger seat. Any latch located in the side window opening shall be recessed. Each such opening shall be free of exterior outside or interior inside window guard(s) or bar(s). Split-sash windows may be installed. Each exposed edge of glass shall be banded.

- 2) A horizontal "Stop Line" shall be affixed permanently across the stationary structure between each of the windows that can be opened by sliding downwards. The bottom of the line shall be between 150 mm and 155 mm (5.9" and 6.1") below the top of the window opening. The line shall contrast with the color of the stationary structure and be at least 5 mm (.2") wide.

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ss)tt† Windshield.

- 1) The windshield shall be large enough to permit the operator to see the highway clearly, and shall be curved or slanted to reduce glare. The front cornerposts and other supports shall be shaped and located so as to cause as little obstruction to the driver's view of the highway as practical.

- 2) The windshield shall have a graduated glazing shade band across the top. The definition and boundary of this shade band shall be as recommended in SAE Recommended Practice J100, July 1969.

tt)rr† Wiring. The following applies to wiring in Type I school buses:

- 1) All wiring for lamps and other electrical devices shall be as recommended for automobiles, motor coaches, and heavy duty starting motor circuits in SAE Recommended Practices J556, J555a, and J541a and in other practices or standards referenced therein, unless preempted by FMVSS.

- 2) Circuits.
  - A) Wiring shall be arranged in at least nine regular circuits as follows:
    - i) Head, tail, stop (brake), and instrument panel lamps;
    - ii) Clearance lamps and any lamps in or adjacent to step risers;
    - iii) Interior lamps;
    - iv) Starter motor;
    - v) Ignition, emergency exit alarm signal(s), and other alarm signal(s);
    - vi) Turn signal lamps;
    - vii) Alternately flashing signal lamps and stop signal arm lamps;
    - viii) Horn;
    - ix) Heater and defroster.

- B) Any of the above combination circuits, except (vii), may be divided into independent circuits. Whenever feasible, all other electrical functions (sanders, windshield wipers, heaters, defrosters, etc.) shall be provided with independent and properly protected circuits.

- 3) Each body circuit shall be coded either by numeral(s) and/or letter(s) at approximately 100 mm (3.9") intervals, or by color and numeral(s) and/or letter(s), or by color(s) only. The code(s) shall appear on a diagram of the circuits in a readily accessible location.

- 4) A separate fuse or circuit breaker shall be provided for at least each circuit required under subsection (tt)(2)(A) ~~†rr†tt†††~~, except that components of the engine starter and ignition circuits may be protected by other means.

- 5) Wires not enclosed within the body shall be fastened securely at intervals of not more than 460 mm (18.1").

- 6) All terminals and splice clips shall be accessible.

- 7) The chassis manufacturer shall install a readily accessible



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electrical terminal so that the net body and chassis electrical current flow can be indicated through a chassis ammeter without dismantling or disassembling the chassis component. The chassis wiring to this terminal shall have a current carrying capacity at least equal to the maximum generator output.

(Source: Amended at 22 Ill. Reg. 19354, effective 001-15-1937)

SUBPART F: CHASSIS REQUIREMENTS

Section 440.505 Conformance to the Requirements

At the time of the original safety test conducted under provision of Section 13-109 of the Code 19-101, of the five, and when delivered to the purchaser, the chassis of each Type I School Bus shall conform to the requirements stated or referred to in this Subpart. Some body requirements also applicable to the chassis are repeated or referred to herein.

(Source: Amended at 22 Ill. Reg. 19354, effective 001-15-1937)

Section 440.510 Incorporation by Reference of Federal Motor Vehicle Safety Standards Federal Requirements

Each bus body must conform to the applicable provisions of the Federal Motor Vehicle Safety Standards (FMVSS) (49 CFR 571.101 through 571.304) in effect on the first day of the month in which the chassis manufacturer completed his last manufacturing operation on the incomplete bus. Those applicable provisions of the FMVSS are incorporated by reference as that Subpart of the FMVSS was in effect on October 1, 1997. No later amendments to or editions of 49 CFR 571.101 through 571.304 are incorporated. Each bus chassis shall conform to the applicable provisions of Federal Motor Vehicle Safety Standards (FMVSS) 101, 102, 105-75, 106-74, 109, 112, 113, 116, 119, 120, 121, 124, and 301-75 in effect on the first day of the month in which the chassis manufacturer completed his last manufacturing operation on the incomplete bus. The month designated adjacent to the name of the original incomplete vehicle manufacturer on the certification label required under Section 40-310, above, Availability and summary descriptions of the federal certification regulations and the applicable FMVSS are in Appendix 1.

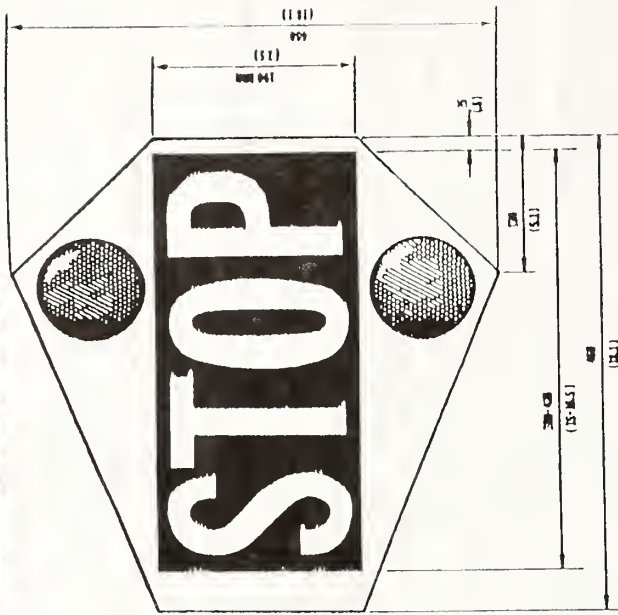
(Source: Amended at 22 Ill. Reg. 19354, effective 001-15-1937)

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Section 440. ILLUSTRATION A Hexagon Shaped Stop Signal Arm (Repealed)

(One design that conforms to Section 10-203, IV C)

These Double Faced Red Lamps, 95-115 (2.5-4.5) diameter lamps, if installed, are to flash alternately top & bottom towards front of rear vehicle arm.



Word "STOP" at least 160 (4) high; brown stroke at least 20 (5) thick; red background. White areas, except letters, MUST be perforated. Letters may be perforated. Center word "STOP" on height and width of red background. Front face shows "STOP" on height and width of red background. Dimensions are minimum values. Tolerances  $\pm 3$  except as shown.

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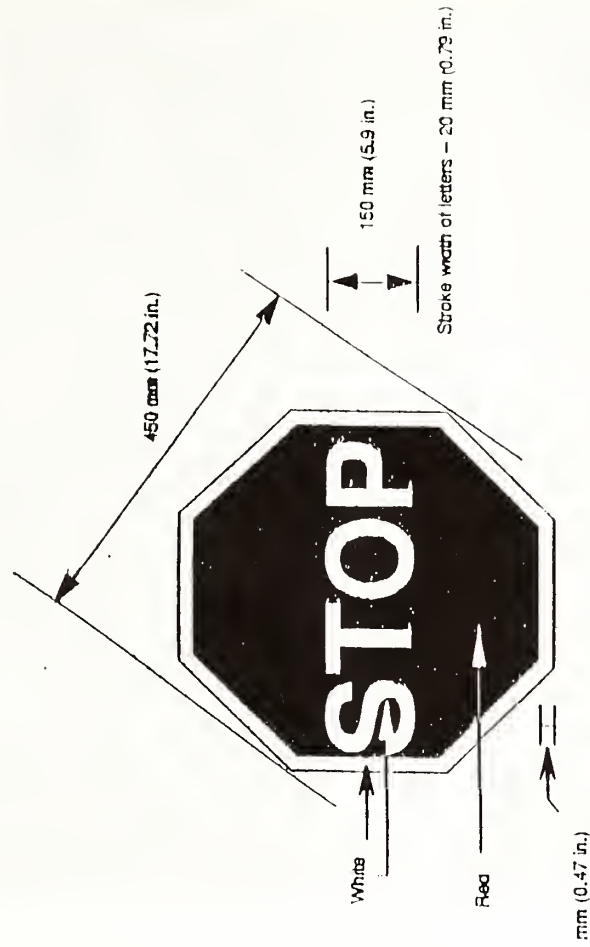
reflectORIZED:--Betters-may-be-reflectORIZED.  
Center-word-"STOP"-on-height-and-width-of-red-background.  
Front-face-shown;--Rear-face-similar.

Dimensions--are--millimeters--(inches):--Tolerance--plus--or--minus--3--except-as shown.

(Source: Repealed at 22 Ill. Reg. 19354, effective 001451997)

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Section 440. ILLUSTRATION B Octagon Shaped Stop Signal Arm Panel



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(Source: Amended at 22 Ill. Reg. 19354, effective  
Oct 15 1937)

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# Section 440. APPENDIX A Federal Motor Vehicle Safety Standards (FMVSS) and Related Regulations (Repealed)

## Availability

Parts--537--560--and 571 in Title 49 of the Code of Federal Regulations (CFR) are available in those public libraries and other places that maintain files of the CFR and of the Federal Register (FR). Title 49 of the CFR is issued each October 17. Between annual issues it is kept up-to-date by notices published in the Federal Register, which is issued daily. Additional information concerning availability and contents of the FMVSS and related regulations may be obtained from:

Regional Administrator  
Region 57, National Highway Traffic Safety Administration  
1010 Dixie Highway  
Chicago Heights, IL 60411

Attn: Ardetta Pitts (Phone: 312/756-1950)

## Summary Descriptions:

Part--567--"Certification"--specifies the content, location, and other requirements for a label affixed to vehicles so as to assist a consumer in determining which of the FMVSS are applicable to a particular vehicle. A vehicle (such as a body on chassis school bus) that is manufactured in two or more stages must be certified to be manufactured in conformance with the applicable provisions of FMVSS in effect in either the month in which the vehicle was completed or the month in which the incomplete vehicle was manufactured or any month between those months.

Part--568--"Vehicles Manufactured in Two or More Stages"--prescribes the method by which the manufacturers of such vehicles ensure conformity of those vehicles with the FMVSS and related regulations. In general, each manufacturer is advised by the previous manufacturer of action taken concerning requirements of the standards. The final stage manufacturer of a school bus usually effects the certification of conformance as specified under Part 567.

Part--571--"Federal Motor Vehicle Safety Standards"--sets forth the actual federal safety standards. After a completed vehicle is certified and until the vehicle is sold for use, no person may effect an alteration that affects compliance with a FMVSS. The "100-series" standards attempt to prevent crashes. The "200-series" attempt to reduce accident severity. The "300-series" concern post-accident events. The attached Summary Description of FMVSS applicable to buses was provided by federal authorities. (FMVSS-301-75, also covers school buses 10,000 pounds or more.)

In a notice published August 26, 1976, on page 36026 of the Federal Register (41 FR 36026), the effective dates of Standards 105-75, 217-220, 221-227, and 301-75, as they apply to school buses, were postponed from October 1976 to April 17, 1977.

Standard NO-101--Control location, identification and illumination

This standard requires that the headlamp, windshield wiper, and other essential controls of passenger cars be labeled and within the reach of the



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driver-restrained-by-a-lap-and-upper-torso-restraint-seat-belt. Purpose-of-the standard-is-to-facilitate-control-selection-and-insure-accessibility. Effective-September-17-1979-the-applicability-was-extended-to-buses.

Standard-No.-102-Transmission-Shift-Bevel-Sequence-Start-Interlock-and-Transmission-Braking-Efect

This-standard-requires-all-vehicles-with-automatic-transmission-to-have-a neutral-shift-lever-position-between-the-forward-and-reverse-drive-positions and-when-ever-a-park-position-is-included-at-the-end-of-the-shift lever-sequence-adjacent-to-the-reverse-drive-position. If-the-shift-lever-is mounted-on-the-steering-column-the-shift-lever-movement-from-neutral-to forward-shall-be-clockwise. It-also-requires-an-interlock-to-prevent-starting the-car-in-reverse-or-forward-drive-positions-transmission-braking-capability and-the-permanent-marking-of-the-shift-lever-sequence-its-purpose-is-to reduce-the-likelihood-of-shifting-errors-start-engagement-with-vehicle-in gear-and-provide-supplemental-braking-at-speeds-below-25-miles-per-hour.

Standard-No.-103-Windshield-Defrosting-and-Defogging-Systems  
The-standard-requires-that-all-passenger-cars-multipurpose-passenger-vehicles trucks-and-buses-manufactured-for-sale-in-the-continentai-United-States-be equipped-with-windshield-defrosters. The-purpose-of-the-standard-is-to-provide visibility-through-the-windshield-during-frosting-and-fogging-conditions. The standard-provides-test-conditions-and-performance-requirements-for-passenger car-defrosting-systems. A-recent-amendment-modified-the-wind-test-condition procedure-effective-9/1/75.

Standard-No.-104-Windshield-Wiping-and-Washing-Systems  
This-standard-requires-that-all-buses-be-equipped-with-two-or-more-speed power-driven-windshield-wipers-and-windshield-washer-systems. Its-purpose-is to-provide-improved-visibility-through-the-windshield-during-inement-weather. The-standards-includes-test-procedures-and-performance-requirements-for-the washer-systems-and-specifies-the-wiper-area-coverage-for-passenger-cars.

Standard-No.-105-75-Hydraulic-Brake-Systems  
This-standard-requires-passenger-cars-to-have-brake-systems-capable-of-stopping the-vehicle-under-specified-conditions. Amendments-to-the-standard included-Upgraded-requirements-for-passenger-cars-and-extended-applicability to-multipurpose-passenger-vehicles-trucks-and-buses-effective-9/1/75-and-later delayed-until-1/1/76-permission-to-manufacture-vehicles-without-split-service brake-systems. The-split-service-brake-system-incorporates-service-and emergency-features-that-are-capable-of-stopping-the-vehicle-under-certain specified-conditions-such-as-a-hot-and-a-wet-a-fade-a-partial-failure-and inoperative-power-assist. The-parking-brake-system-must-be-capable-of-holding light-vehicles-on-a-30-percent-grade-and-heavy-vehicles-on-a-20-percent-grade. Warning-lights-are-required-to-indicate-loss-of-pressure-low-fluid-level antilock-system-failure-and-parking-brake-application. School-bus-braking requirements-were-established-in-a-later-amendment-which-became-effective October-12-1976.

Standard-No.-106-Hydraulic-Brake-Hoses  
The-initial-standard-establishes-minimum-requirements-for-brake-hoses manufactured-for-use-on-passenger-cars-and-multipurpose-passenger-vehicles. An amendment-to-the-standard-extends-the-applicability-to-all-motor-vehicles-and

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hydraulic-air-and-vacuum-brake-hoses-brake-hose-assemblies-and-brake-hoses and-fittings-for-use-in-these-vehicles. Other-amendments-modified-requirements and-established-effective-date-of-September-17-1974-for-brake-hose-and-brake hose-and-fittings-March-17-1975-for-brake-hose-assemblies-and-September-17 1975-for-vehicles-to-which-the-standard-applies. A-recent-amendment-permits until-August-31-1976-manufacturing-of-motor-vehicles-with-brake-hose-end fittings-and-assemblies-which-comply-with-all-requirements-of-the-standard.

Standard-No.-107-Reflecting-Surfaces  
This-standard-requires-that-windshield-wiper-arms-inside-windshield-moldings horn-rings-and-the-frames-and-brackets-of-inside-rearview-mirrors-have-matte surfaces-which-will-reduce-the-likelihood-of-visual-glare-in-the-driver's-eyes. Standard-No.-108-Bump-Reflective-Devices-and-Associated-Equipment  
This-standard-specified-requirements-for-lamps-reflective-devices-and associated-equipment-for-signaling-and-to-enable-safe-operation-in-darkness and-other-conditions-of-reduced-visibility. It-applies-the-Bureau-of-Motor Caries-Safety-Regulations-to-a-number-of-large-vehicles-not-previously-covered because-they-are-used-in-intrastate-operations. This-standard-also-specifies appropriate-lighting-equipment-for-motorcycles-passenger-cars-and-small multi-purpose-passenger-vehicles-trucks-trailers-and-buses. Sidemarker lights-and-reflectors-hazard-warning-lights-and-backup-lights-are-included-in the-requirements-for-these-vehicles. This-standard-has-been-amended-several times-increasing-the-safety-performance-levels-of-lighting-systems. Several revisions-were-made-in-the-standard-effective-January-17-1973-including-the extension-of-the-requirements-to-cover-all-applicable-replacement-equipment. Another-amendment-effective-January-17-1973-affects-turn-signal-and-hazard warning-signal-flashers. Other-amendments-include-minimum-lighting requirements-for-moblie-structure-trailers-and-revised-requirements-for-rear lighting-on-small-motor-driven-vehicles-disallowance-of-4-lamp-rectangular systems-and-clarification-of-electrical-terminal-specifications.

Standard-No.-111-Rearview-Mirrors  
This-standard-requires-rearview-mirrors-to-provide-the-driver-with-a-clear-and reasonably-unobstructed-view-to-the-rear. It-requires-an-outside-rearview mirror-on-the-driver's-side-and-when-the-inside-mirror-does-not-provide-a sufficient-field-of-view-because-of-the-size-or-location-of-the-rear-window-an additional-outside-mirror-on-the-passenger-side-is-required. Also-the-inside mirror-must-be-designed-to-reduce-the-likelihood-of-injury-on-impact-it-was amended-to-allow-installation-of-truck-type-mirror-systems-in-multipurpose passenger-vehicles-and-to-extend-application-to-trucks-and-buses.

Standard-No.-112-Headlamp-Concealment-Devices  
This-standard-specifies-that-any-fully-opened-headlamp-concealment-device-shall remain-fully-opened-whether-either-or-both-of-the-following-occur-(a)-any loss-of-power-to-or-within-the-device-or-(b)-any-malfunction-of-wiring-or electrical-supply-for-controlling-the-concealment-device-occurs-its-purpose is-to-eliminate-the-possibility-of-loss-of-forward-visibility-due-to malfunction-of-the-headlamp-concealment-device-a-problem-with-some-such devices.

Standard-No.-113-Hood-Batch-Systems  
This-standard-effective-January-17-1969-specifies-requirements-for-a-hood

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latch-system--for each hood--A front-opening hood which in an open position partially or completely obstructs a driver's forward view through the windshield must be provided with a second latch position on the hood latch system or with a second hood latch system.

Standard No. 116--Hydraulic Brake Fluids

This standard specifies minimum physical characteristics for two grades of brake fluid--B0W-3 and B0W-4, for use in hydraulic brake systems of all motor vehicles--In addition, the standard establishes labeling requirements for all brake fluid containers--An amendment established performance requirements for an additional type of brake fluid--B0W-5, which can operate at high temperatures and does not absorb moisture.

Standard No. 119--New Pneumatic Wires

This standard specifies performance and labeling requirements for new pneumatic tires designed for highway use on multipurpose passenger vehicles, trucks, buses, trailers and motorcycles manufactured after 1940, and requires treadwear indicators in tires and rim matching information concerning those tires--It was amended changing the effective date from 9/1/74 to 3/1/75--It was further amended changing in several respects the definitions, labeling and performance provisions of the standard.

Standard No. 120--Wire Selection and Rims

This standard requires new vehicles to have tires conforming to Standard No. 119, and rims designated in the tire association manual as fitting them--It specifies marking requirements for rims and requires additional tire and rim size designation, pressure and speed restrictions and weight rating information to be placed on the existing certification label.

Standard No. 121--Air Brake Systems

This standard establishes significantly improved performance requirements which will not only shorten stopping distances but will eliminate most jackknife accidents--Amendments moved the effective date of the Standard from 9/1/74 to 1/1/75, for trailers, to 3/1/75, for trucks, and buses, to 9/1/75, for firefighting vehicles, and to 9/1/76, for a group of special vehicles--Specialized vehicles were exempted from the Standard altogether and reduced requirements were specified for certain vehicles for an interim period of time--The emergency braking requirements of the Standard were amended effective 9/1/76, and other minor changes were made to the requirements--Other amendments established new service brake system stopping distances until 1/1/70, and increased brake actuation times and permitted bulk agricultural commodity trailers to meet other emergency and parking brake requirements.

Standard No. 124--Accelerator Control Systems

This standard establishes requirements for the return of a vehicle's throttle to the idle position when the driver removes the actuating force from the accelerator control, or in the event of a brake or disconnection in the accelerator control system.

Standard No. 205--Glazing Materials

This standard specifies requirements for all glazing materials used in windshields, windows, and interior partitions of motor vehicles--Its purpose is to reduce the likelihood of lacerations to the face, scalp, and neck, and to minimize the possibility of occupants penetrating the windshield in collisions.

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it requires among other things, that windshields be of a type that tend to cushion those that impact them, rather than allowing head penetration and even decapitation--a problem with older windshields--An amendment to this standard added two new categories of glazing materials, amended the certification requirements, and made minor changes to the chemical resistance tests.

Standard No. 207--Seating Systems

This standard establishes requirements for seats, their attachment assemblies and their installation to minimize the possibility of failure as a result of forces acting on the seat on vehicle impact--This standard was amended effective January 1, 1972, to extend applicability to the driver's seat of buses.

Standard No. 208--Occupant Crash Protection

This standard amends Standard No. 208, Seat-Belt Installations, by specifying requirements for both active and passive occupant crash protection systems for passenger cars, multipurpose passenger vehicles, trucks and buses--Effective January 1, 1972, passenger cars were required to have improved safety belt systems which incorporate automatic adjuster, single point release and a belt use warning system--Effective August 15, 1973, passenger cars were required to provide occupant crash protection for front seating positions by passive means that require no action by vehicle occupants or to provide belt starter interlock systems for trucks and multipurpose passenger vehicles--were required to have one of these systems after August 15, 1975--An amendment disallowed the starter interlock systems and establishes requirements for a visual signal--a "Pasten Seat Belt" sign and an audible signal that operates for 4 to 9 second period after the ignition is operated, effective February 25, 1975, for passenger cars and January 1, 1976, for multipurpose passenger vehicles and light trucks--A recent amendment continues present options for occupant protection in passenger cars until August 31, 1976.

Standard No. 209--Seat-Belt Assemblies

The National Bureau of Standards vehicle seat belt specifications, originally incorporated by reference, were made a part of this standard in 1960--In order to mitigate the results of an accident to a person in a motor vehicle, the standard specifies requirements for seat belt assemblies--The requirements apply to straps, webbing (for similar devices), buckles, fasteners and all hardware designed for installing the assembly in a motor vehicle--This standard was amended to upgrade webbing abrasion, buckle crush and emergency locking requirements, and to revise retraction forces required of emergency locking retractors.

Standard No. 210--Seat-Belt Assembly Anchorage

Specifies requirements for seat belt anchorages to insure effective occupant restraint and to reduce the likelihood of failure in collisions--Requires anchorages for lap and upper torso restraint belts in forward facing outboard seats of cars--The standard was extended to driver's seats in buses effective January 1, 1972.

Standard No. 213--Child Seating Systems

Specifies requirements for child seating systems to minimize the likelihood of injury to 20-60 lb. children in vehicle crashes or sudden stops by ejection or contact with a child seating system--Requires providing information for proper



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(except motorcycles) and requires preservation of fuel system integrity by limiting fuel spillage incidental to severe frontal, rear, and lateral crash tests.  
Standard No. 302 - Flammability of Interior Materials  
Specifies burn requirements for materials used in the compartments of motor vehicles. An amendment effective October 1, 1979, modifies the test procedures and specimen preparation requirements.  
(Source: Official Code of Illinois 22 Ill. Reg. 19354, effective )

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installation and user.  
Standard No. 217 - Bus Window Retention and Release  
Establishes minimum requirements for bus window retention and release to reduce likelihood of passenger ejection in accidents and to enhance passenger exit in emergencies. Effective September 1, 1979, it was amended to exempt certain buses manufactured to transport persons under physical restraint and to clarify marking requirements. It was amended further to require that each school bus have an interlock system which will prevent the engine from starting if an emergency door is locked and to have an audible warning system which will sound an alarm if an emergency door release mechanism is not closed while the engine is running effective April 1, 1977.  
Standard No. 219 - Windshield Wiper - Intrusion - Passenger Cars 9/1/76  
Multi-purpose Passenger Vehicle, Truck & Bus of 10,000 lbs. or less - GVWR 9/1/77  
This standard's purpose is to reduce crash injuries that result from occupants contacting vehicle components displaced near or through the windshield. The standard regulates intrusion of vehicle parts from outside the occupant compartment into a defined zone in front of the windshield during a frontal barrier crash test. An amendment changed effective dates as noted above and substituted "daylight opening" for "windshield opening."  
Standard No. 220 - School Bus Rollover Protection  
This standard specifies performance requirement for the structural integrity of the passenger compartment of school buses when subjected to forces that can be encountered in rollovers. The standard requires that upon the application of vertical downward force to the bus roof equal to 1 1/2 times the vehicle's unloaded weight, the vehicle roof shall not crush more than 5 1/8 inches and the emergency exits shall be capable of being opened with the weight applied and after its release.  
Standard No. 221 - School Bus Body Joint Strength  
This standard addresses the problem of exposure of school bus passengers to sharp metal edges when during an accident body panels become separated from the structural components to which they have been fastened. It seeks to reduce the likelihood of lacerations by requiring that body joints on school buses have a tensile strength equal to 60 percent of the tensile strength of the weakest joint body panels.  
Standard No. 222 - School Bus Passenger Seating & Crash Protection  
This standard specifies seating, restraining, barrier and impact zone requirements for school buses. The standard refers on compartmentalization between well padded and well constructed seats to provide occupant protection on school buses.  
Standard No. 301 - Fuel System Integrity  
The original standard specifies requirements for the integrity and security of fuel tanks, fuel tank filler pipes, and fuel tank connections to minimize fire hazard as a result of collision in all passenger cars manufactured after January 1, 1968. This standard was amended to substantially upgrade the performance requirements. The effective date is September 1, 1975, with additional requirements. The effective date is September 1, 1976, and September 1, 1977. The standard now covers all vehicles under 10,000 pounds



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Wire or wood splint-----i package

B--Commercial-Type-Kit

3"x3"-sterile-gauze-pads-----3 packages-of-10  
Gauze bandages-as-follows:  
2-inch-by-5-yards-or-longer-----10 packages  
3/4-inch-adhesive-empress-----package-of-10-or-more  
1-inch-by-2-1/2-yards-adhesive-tape-----1 roll  
40-inch-triangular-bandage-with-two-safety-pins-----1 package  
Wire or wood splint-----i package  
Scissors-----1  
Each kit shall contain instructions for the use of the contents.  
The contents of the kits shall conform either to the requirements  
contained in Federal Specification 66-K-391(a) (Oct. 19, 1954) or  
as amended March 3, 1959, or the standards as found in the  
Fifteenth Revision of the Pharmacopoeia of the United States and  
Supplement No. 2 thereof dated September 17, 1959, except that the  
40-inch-triangular-bandage in the commercial type kit may be  
non-sterile and not compressed in the required manner if the  
package containing it clearly indicates the contents are not  
sterile. No specification type scissors required. Federal  
Specification 66-K-391(a) and amendments may be obtained from the  
Superintendent of Documents, Washington, D.C. 20540.

1935

(Source: Repealed at 22 Ill. Reg. effective  
Oct 15 1997)

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Section 440.APPENDIX B First Aid Kit Requirements (Referred to in Section  
440.420(k) (Repealed)

The first aid kit shall conform to the following portions of the Federal Motor  
Carrier Safety Regulations (49 CFR 390.397):  
Section 390.96 Buses-additional emergency equipment:  
On every bus except buses engaged in driveway towaway operations, there shall  
be:

- a) Not Applicable.
  - b) Not Applicable.
  - e) One first aid kit complying with the following requirements:
    - 1) Size of kit---The kit shall be of heavy duty 10-unit type or larger or have contents at least equivalent in quality and number to the contents of such a kit.
    - 2) Material for case and cover---The case and the cover shall be substantially constructed of sheet steel, wood, fiber, or other durable material. If made of sheet steel, the case and cover shall be of metal at least number 24-U.S. Gage (nominal).
    - 3) Tightness of case---The case and cover shall be so constructed, including corners, covers, and closure means, that it shall be reasonably dust and weather proof when the cover is in the closed position or the kit shall be mounted in a protected location within the passenger compartment of the motor vehicle so as to be reasonably dust and weather proof.
    - 4) Opening and stop for cover---If made of sheet steel or other metal, the case shall be so designed and constructed that the cover will be capable of being easily opened to an angle of 90° to 100° with the case and a substantial stop shall be provided at the angle of full opening. Such stop shall not interfere with the smooth operation of the cover.
    - 5) Method of hinging cover---If made of metal, the cover shall be attached to the case by, at least, two substantial hinges or by a continuous piano-type hinge. If nonmetallic, the cover shall be attached by either a sliding or a hinged joint, if hinged, it shall be as prescribed for metallic construction.
    - 6) Size of case---The dimensions of the case shall be such as to permit the contents to be easily extracted and yet maintain the contents in a relatively fixed position.
- Contents of kit---The kit shall contain at least the contents specified, in not less than the quantities shown, in either of the two following types of kits:

A--Unit-Type-Kit

- 4-inch-bandage-empress-----2 packages  
2-inch-bandage-empress-----2 packages  
1-inch-adhesive-empress-----1 package  
40-inch-triangular-bandage-with-two-safety-pins-----1 package

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Section 440. APPENDIX C Specification Sheet Reflective Material -- Encapsulated Lens (Based on FHWA Notice N 5040.17, June 15, 1976) (Repealed)

1. Description  
The reflective sheeting covered by this specification shall be of the encapsulated lens type consisting of spherical lens elements adhered to a synthetic resin and encapsulated by a flexible transparent weatherproof plastic having a smooth outer surface. The sheeting shall have a pre-coated adhesive backing protected by a removable liner.

2. Color Requirements  
The diffuse day color of the reflective material shall conform to the color specification shown below and shall be determined in accordance with ASTM E97-55 (1971) Standard Method of Test for 45 Degree 0 Degree Directional Reflectance of Opaque Specimens by Filter Photometry. The geometric characteristics must be confined to illumination incident within 10 degrees of and centered about a direction of 45 degrees from the perpendicular to the test surface viewing is within 15 degrees of and centered about the perpendicular to the test surface. Conditions of illumination and observation must not be interchanged. The standard to be used for reference shall be the Munsell Paper designated below. The paper must be recently calibrated on a spectrophotometer. The test instrument shall be one of the following:

- 1) Gardner Multipurpose Reflectometer
- 2) Gardner Model AG-2a Color Difference Meter
- 3) Meeco Model V Color Master
- 4) Hunter Lab B25 Color Difference Meter

Color Specification Limits and Reference Standard Chromaticity Coordinates

	1	2	3	4	Min	Max
x	0.490-0.412	0.557-0.442	0.479-0.520	0.430-0.472	0.16-0	0.40-0
y	0.255					

For requirements for colorfastness of weathered material see IX, Durability.

3. Reflective Intensity  
The reflective sheeting shall have minimum reflective intensity values tabulated below at 0.2 and 0.5 divergence expressed as candlepower per foot candle per square foot (candelas per lux per square meter) of material. Reflective intensity shall be determined by the following method:

Apparatus  
Arrangement for the reflective intensity test shall be as shown in Fig. 1. A light projector having a maximum lens diameter of 1 inch (2.54 cm) and capable of projecting a uniform light shall be used to illuminate the sample. The light falling on the sample shall have a

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color temperature of 2856K (equivalent to GIB Std. Source A). The light reflected from the test surface shall be measured with a photoelectric receiver whose response has been corrected for the color sensitivity of the average photopic human eye. The dimensions of the active area of the receiver shall be such that no point on the perimeter is more than one-half inch (1.27 cm) from the center. Samples shall be mounted on a flat black test surface not less than 3 feet (91.4 cm) square which when tested without any sample shall give no appreciable reading. The sample shall be 50 feet (15.24 m) plus or minus 2 inches (5.08 cm) from the projector lens and the receiver. The maximum effective area of the test sample shall be 1 square foot (0.93 sq. m). The maximum dimension of the test sample shall be not greater than 1.5 times the minimum dimension.

Test Procedure  
Measure the distance from the projector to the specimen. The area of the test surface and the illumination incident on the test surface. Measure the illumination incident on the receiver due to reflection from the test surface at each angle of incidence for each angle of divergence. The angles of incidence shall be as required in the applicable reflectivity table. The angles of divergence shall be 0.2 and 0.5 degrees. The illumination incident on the test surface and the receiver shall be measured in the same units. Compute the reflective intensity  $R_f$  from the following equation:

$$R_f = \frac{E_s(A)}{E_r(d)}$$
  
Where:  $R_f$  = Reflective intensity  
 $E_r$  = Illumination incident upon the receiver  
 $E_s$  = Illumination incident upon a plane perpendicular to the ray at the specimen position measured in the same units as  $E_r$

d = Distance in feet from the specimen to the projector.  
A = Area in square feet of the test surface.

Minimum Reflective Intensity Values

Divergence Angle (°)	Incidence Angle (°)	Yellow
0.2	0.2	170
0.2	0.5	90
0.5	0.2	62
0.5	0.5	36

The brightness of the reflective sheeting when totally wet shall not be less than 99 percent of the dry values shown above. Wet performance measurements shall be made on unwetted sheeting in accordance with the standard rainfall test specified below.  
Reflective Intensity During Rainfall  
The reflective intensity under simulated rainfall conditions (wet performance) shall be determined as follows using the water nozzle and test setup shown in Figure 2.



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Place--the--test--panels--on--which--the--sheeting--has--been--applied--in--an upright position--6--inches--(15-24--cm)--below--and--4--inches--(10-16--cm)--in front--of--the--water--nozzle--as--shown--in--figure--2.

Apply--sufficient--water--pressure--so--that--the--upper--surface--of--the--spray envelope--strikes--the--top--of--the--specimen--With--water--falling--on--the specimen--determine--the--reflective--intensity--at--angles--of--0-2-4--divergence--and--minus--4-6--incidence--only--as--specified--above--except that--the--measurement--shall--be--made--on--each--specimen--and--the--reflective intensity--during--rainfall--shall--be--the--average--of--the--three--determinations.

## IV. Specular Gloss

The--reflective--sheeting--shall--have--an--05--degree--specular--gloss--of--not less--than--50--when--tested--in--accordance--with--ASTM--B-523-67--(1972).

## V. Shrinkage

A--9--inch--by--9--inch--(22-9--cm--by--22-9--cm)--reflective--sheeting--specimen with--inner--shall--be--conditioned--a--minimum--of--1--hour--at--72-0--P--(23-0--C) and--50--percent--relative--humidity--The--liner--shall--be--removed--and--the specimen--placed--on--a--flat--surface--with--the--adhesive--side--up--Ten minutes--after--liner--is--removed--and--again--after--24--hours--the--specimen shall--be--measured--to--determine--the--amount--of--dimensional--change--The reflective--sheeting--shall--not--shrink--in--any--dimension--more--than--1-32 inch--(0-79--mm)--in--10--minutes--nor--more--than--1-3--inch--(3-10--mm)--in--24 hours.

## VI. Flexibility

The--reflective--sheeting--with--the--inner--removed--and--conditioned--for--24 hours--at--72-0--P--(22-0--C) and--with--50--percent--RH--shall--be--sufficiently flexible--to--show--no--cracking--when--slowly--bent--in--one--second--a--time around--a--1-0--inch--(2-5--cm)--mandrel--Note--For--ease--of--testing--spread talcum--powder--on--adhesive--to--prevent--sticking--to--mandrel.

## VII. Adhesive

The--reflective--sheeting--shall--include--a--precoated--pressure--sensitive adhesive--backing--which--may--be--applied--without--necessity--of--additional adhesive--coats--on--either--the--reflective--sheeting--or--application surface.

The--adhesive--backing--shall--be--a--pressure--sensitive--adhesive--of--the aggressive--teak--type--requiring--no--heat--solvent--or--other--preparation for--adhesive--to--smooth--clean--surfaces.

The--protective--liner--attached--to--the--adhesive--shall--be--removed--by peeling--without--soaking--in--water--or--other--solvents--without--breaking tearing--or--removing--any--adhesive--from--the--backing--The--protective liner--shall--be--easily--removed--following--accelerated--storage--for--4 hours--at--160-0--P--(71-0--C) under--a--pressure--of--2-5--pounds--per--square--inch (17-24--kPa).

The--adhesive--backing--of--the--reflective--sheeting--shall--produce--a--bond to--support--a--1-3/4--pounds--(0-79--kg)--mass--for--5--minutes--without--the bond--peeling--for--a--distance--of--more--than--2-0--inches--(5-08--cm) when applied--to--a--smooth--aluminum--surface--and--tested--as--specified--below.

Adhesion--Test--Subject--two--2--inch--(5-08--cm) by--6--inch--(15-24--cm)

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pieces--of--the--reflective--material--to--a--temperature--of--160-0--P--(66-0--C) and--a--pressure--of--2-5--pounds--per--square--inch--(17-24--kPa) for--4 hours--Bring--the--materials--to--equilibrium--at--standard--conditions and--cut--one--1--inch--(2-54--cm) by--6--inch--(15-24--cm) adhesive on specimen--from--each--piece--and--remove--the--liner--by--hand--without--the use--of--water--or--other--solvents--Burling--removal--of--the--liner--it shall--be--noted--whether--any--liner--breaks--or--tears--or--removes--any adhesive--from--the--backing--Apply--4--inches--(10-16--cm) of--one--end of--each--specimen--to--a--test--panel--Suspend--the--panels--in--a horizontal--position--with--the--specimen--facing--downward--Attach--a 1-3/4--pound--(0-79--kg)--mass--to--the--free--end--of--each--specimen--and allow--it--to--hang--free--at--an--angle--of--90-0--to--the--panel--surface--for 5--minutes--At--the--end--of--the--5--minute--period--check--the--distance of--peeling--Failure--of--any--one--specimen--shall--constitute--failure of--the--test.

## VIII. Impact-Resistance

The--reflective--sheeting--material--applied--according--to--the manufacturer's--recommendations--to--a--cleaned--etched--aluminum--panel--of alloy--6661-T6-7-0-10--inches--by--3-0--inches--by--5--inches--(10--mm--by--7-6--cm by--13-7--cm) and--conditioned--for--24--hours--at--72-0--P--(23-0--C) and--50 percent--RH--shall--show--no--cracking--when--the--face--of--the--panel--is subjected--to--an--impact--of--2-0--pound--(0-9--kg)--mass--with--a--5-0--inch (12-7--mm) rounded--tip--dropped--from--a--10--inch--pound--(11-3--joule) setting--on--a--Gardner--Variable--Impact--Tester--IG-1110.

## IX. Durability

Processed--and--applied--in--accordance--with--recommended--procedures--the reflective--material--shall--be--weather--resistant--and--following cleaning--shall--show--no--appreciable--discoloration--cracking blistering--or--dimensional--change--and--shall--not--have--less--than--70 percent--of--the--specified--minimum--reflective--intensity--values--(table 1) when--subjected--to--accelerated--weathering--for--2200--hours--in accordance--with--ASTM--Standard--G23-69--Type--B--or--BH--Weatherometer.

## Colorfastness

One--of--the--specimens--prepared--and--subjected--to--accelerated--weathering specified--above--shall--be--used--to--test--for--colorfastness--We--out--the specimen--with--a--mild--detergent--and--water--solution--and--compare--it--with a--similarly--treated--unexposed--specimen--under--natural--(North--sky) daylight--or--artificial--daylight--having--a--color--temperature--of--7500--K. The--colorfastness--shall--be--evaluated--as--follows:

Excellent--No--appreciable--change--in--color

Good--Perceptible--but--no--appreciable--change--in--color

Fair--Appreciable--change--in--color

Appreciable--change--in--color--means--a--change--that--is--immediately noticeable--in--comparing--the--exposed--specimen--with--the--original comparison--specimen--If--loss--in--specimen--or--a--change--of--angle--of light--is--required--to--make--apparent--a--slight--change--in--color--the change--is--not--appreciable--The--reflective--material--must--show--good colorfastness--or--better.



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## Fungus-Resistance

For use in areas where fungus growth may be a problem and if deemed necessary by the purchaser, fungus resistance shall be determined as specified herein.

After inoculation with the test organism, *Aspergillus niger*, and incubation for 14 days, the reflective material shall show no appreciable formation of fungus growth. Any formation of fungus growth shall be non-injurious to the reflective material and shall be removable by wiping with a soft cloth. After completion of the incubation and after being wiped clean, the reflective material shall retain the full reflective intensity values as specified in Table III. The reflective material shall not be removable from the test panel without damage.

## Test Organism

The test organism used in this test shall be *Aspergillus niger*, ARCC No. 6275. (This organism may be obtained upon request from the American Type Culture Collection, 12301 Parktown Drive, Rockville, Maryland 20852, or Mycology Laboratory, PR57-U.S. Army Natick Laboratories, Natick, Massachusetts 01760.) Cultures of this organism shall be carefully maintained on a potato dextrose agar medium and promptly renewed if there is evidence of contamination. The stock cultures may be kept for not more than 4 months in a refrigerator at a temperature from 37.4 to 50.0 F (3 to 10 C). Subcultures incubated at 62.4 to 66.4 F (20 to 30 C) for 10 to 14 days shall be used in preparing the inoculum.

## Culture Medium

The culture medium shall have the following composition:

NaN <sub>3</sub>	--3.0-grams
KHP <sub>4</sub>	--1.0-gram
MgSO <sub>4</sub> ·7H <sub>2</sub> O	--0.5-gram
KCl	--0.25-gram
Agar	--15.0-grams

Distilled water to make 1700 ml.

The pH shall be 5.5 to 6.5. If otherwise adjusted to that range with HCl or NaOH. After mixing, the ingredients shall be sterilized by autoclaving for 15 minutes at 15 P.S.I. and 250.0 P (103.4 kPa and 121.4 C). Under sterile conditions, the medium shall be poured into six 150mm by 20mm petri dishes, about 65 ml per dish, and allowed to harden.

## Inoculum

Add about 10 ml of sterile distilled water containing about 0.005 percent of a nontoxic wetting agent to a subculture (10 to 14 days old) of the test organism in a type fruiting condition. The spores shall be forced into suspension with a sterile camel's hair brush for other suitable means and diluted to 100 ml with sterile distilled water.

## Preparation of Specimens

Cut three 3 inch by 3 inch (7.62 cm by 7.62 cm) specimens from the sample and apply to test panels with the reflective surface up.

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Completely immerse the test specimens in a leaching tank continuously flowing water for 24 hours and then remove and dry. The leaching tank shall be large enough to hold an amount of water weighing not less than 50 times the weight of the specimens. The water entering the tank shall not fall directly on the specimens and shall flow at a rate of 5 to 10 liters per hour. The pH of the water shall be in the range of 6.0 to 8.0.

## Inoculation

Under aseptic conditions, dip each specimen in 70 percent ethanol for a few seconds, rinse in distilled water and place firmly on the surface of the solidified agar medium contained in the petri dishes. Place specimens with the reflective surface facing up. One specimen to each dish. With a sterile pipette, distribute 1.0 to 1.5 ml of inoculum over the surface of each specimen and the surrounding medium.

## Incubation Period

The period of incubation shall be 14 days at a temperature of 64.2 to 69.6 P (19 to 32 C) and 95 to 99 percent relative humidity.

## Control

Test three control specimens of untreated, porous grade filter paper with the specimens of the reflective material to check the viability of the inoculum. At the end of the incubation period, the controls should be covered with fungus growth.

## Test Results

Upon completion of the incubation period, examine the specimens visually for fungus growth. Wipe the specimen with a soft cloth wet with a 70 percent ethanol solution. Condition the specimens at standard conditions for 40 hours. Test the specimens in accordance with Part III, Reflective Intensity, and when finished, attempt to remove specimen from the test panel.

(Source: Repealed at 22 Ill. Reg. 19354, effective

007 15 1997)

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of October 20, 1998 through October 26, 1998 and have been scheduled for review by the Committee at its November 17, 1998 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
11/26/98	Department of Human Services, Developmental Disabilities Services (89 Ill Adm Code 144)	7/31/98 22 Ill Reg 14039	11/17/98
11/26/98	Department of Human Services, Medicaid Community Mental Health Services Program (59 Ill Adm Code 132)	8/14/98 22 Ill Reg 14503	11/17/98
11/28/98	Illinois Law Enforcement Officers Training Board, Intern Training Program (20 Ill Adm Code 1780)	8/7/98 22 Ill Reg 14402	11/17/98
11/28/98	Teachers' Retirement System, The Administration and Operation of the Teachers' Retirement System (80 Ill Adm Code 1650)	8/28/98 22 Ill Reg 15548	11/17/98
11/29/98	Illinois Commerce Commission, Environmental Disclosure (83 Ill Adm Code 421)	8/7/98 22 Ill Reg 14366	11/17/98
11/29/98	Department of Human Services, School Based/Linked Health Centers (77 Ill Adm Code 2200)	8/7/98 22 Ill Reg 14377	11/17/98

## PROCLAMATIONS

98-573

## ECONOMIC AND ENTREPRENEURSHIP EDUCATION WEEK

Whereas, the future of our state and nation is highly dependent on the health and strength of our economy; and

Whereas, economic understanding and entrepreneurial skills for all citizens are essential to furthering a strong economy; and

Whereas, economic and entrepreneurship education prepare our youth to be effective participants in the economy of our communities, state, nation, and world; and

Whereas, economic and entrepreneurship education prepare our youth to be wise consumers, creative business owners, productive workers, prudent savers and investors, and knowledgeable voters in our economy; and

Whereas, economic and entrepreneurship education provide our youth with the tools to be successful in an increasingly competitive world economy; and

Whereas, the Illinois Council on Economic Education (ICEE) and the Illinois Institute for Entrepreneurship Education (IIEE) are the premier providers of economic and entrepreneurship education programs for the citizens of the State of Illinois; and

Whereas, ICEE and IIEE accomplish their goals primarily through working with teachers and administrators to integrate the teaching of economics and entrepreneurship into the K-12 school curriculum; and

Whereas, the programs of ICEE and IIEE help students meet the educational standards of the Illinois State Board of Education; and

Whereas, ICEE and IIEE represent strong partnerships between education, business, labor, and government that offers a cost-efficient, effective educational process with proven and lasting impact;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 26-30, 1998, as ECONOMIC AND ENTREPRENEURSHIP EDUCATION WEEK in Illinois.

Issued by Governor, October 1, 1998.

Filed by Secretary of State, October 8, 1998.

98-574

## GEOGRAPHY AWARENESS WEEK

Whereas, geography is the study of people, their environments, and their resources; and

Whereas, traditional geography has virtually disappeared from the curricula of American schools while still being taught as a basic subject in other countries; and

Whereas, an ignorance of geography places the United States at a disadvantage with other countries in matters of business, politics and the environment; and

Whereas, the United States is a nation of world wide involvement and global influence, the responsibilities of which demand an understanding of the lands, language and culture of the world; and

Whereas, attention must be focused on the integral role that knowledge of the world geography plays in preparing citizens for the future of an increasingly interdependent and interconnected world;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim

November 15-21, 1998, as GEOGRAPHY AWARENESS WEEK in Illinois.

Issued by Governor, October 1, 1998.

Filed by Secretary of State, October 8, 1998.

#### 98-575

##### GFWC ILLINOIS FEDERATION OF WOMAN'S CLUBS JUNIOR ORGANIZATION WEEK

Whereas, GFWC Illinois Federation of Woman's Clubs Junior Organization has served the communities of Illinois for over 52 years; and

Whereas, GFWC Illinois Federation of Woman's Clubs Junior Organization is an all volunteer, non-profit organization with 2,893 members in 108 clubs spread throughout the State of Illinois; and

Whereas, during 1997 GFWC clubs performed 442,916 volunteer hours and donated over \$2,600,000 to Illinois communities; and

Whereas, GFWC Illinois Federation of Woman's Clubs Junior Organization is dedicated to Illinois conservation, recycling and the beautification of Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 11-17, 1998, as GFWC ILLINOIS FEDERATION OF WOMAN'S CLUBS JUNIOR ORGANIZATION WEEK in Illinois.

Issued by Governor, October 1, 1998.

Filed by Secretary of State, October 8, 1998.

#### 98-576

##### INTERNATIONAL CREDIT UNION DAY

Whereas, credit unions are member-owned, not-for-profit financial institutions that serve people throughout the world; and

Whereas, credit unions are founded with the goal of uniting people in the pursuit of a better future; and

Whereas, credit unions call for the pooling of personal resources and leadership abilities for the good of the cooperative, encourage a regular habit of saving so those in need may borrow, and foster the desire to repay loans so members may have access to credit when it is required; and

Whereas, credit unions join together in educational and service programs to remain viable, progressive institutions, better able to serve the needs of members; and

Whereas, 36,244 credit unions currently serve the financial needs of 89 million members associated through local, state, regional and international organizations sharing the same commitment to serving credit union members; and

Whereas, credit union service helps to improve the economic prospects of people by making financial democracy possible in 85 countries around the world; Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 15, 1998, as INTERNATIONAL CREDIT UNION DAY in Illinois.

Issued by Governor, October 1, 1998.

Filed by Secretary of State, October 8, 1998.

#### 98-577

##### MIGHTY EIGHTH AIR FORCE WEEK

Whereas, the Eighth Air Force was formed and dispatched to England in 1942; and

Whereas, the Eighth, with over 350,000 troops in Europe, was the largest military unit in World War II and the largest bomber force of all time; and

Whereas, the Eighth Air Force has continued as an operational combat unit to this day with over one million individuals serving the country in war and peace; and

Whereas, no Mighty Eighth mission was ever turned back due to enemy action; and

Whereas, more than 26,000 individuals were killed in action, over 20,000 individuals became prisoners of war and countless others were wounded while serving the Eighth; and

Whereas, from October 8-14, 1943, the Eighth Air Force lost over 100 Heavy Bombers to enemy action in the skies over Europe; and

Whereas, despite the heavy losses during October 8-14, this was the turning point for daytime strategic bombing in the European theater; and

Whereas, the Eighth Air Force Historical Society, the largest single military unit veterans group in history, will hold its annual reunion in October; and

Whereas, over 20,000 Eighth Air Force Historical Society members are seeking to inform later generations of the contributions and sacrifice made by members of the Eighth during World War II; and

Whereas, each year during the week of October 8-14, veterans of the Eighth Air Force and friends of the Eighth are asked to wear items identifying them with The Mighty Eighth to honor and remember those who served in the Eighth, especially those who made the supreme sacrifice;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 8-14, 1998, as MIGHTY EIGHTH AIR FORCE WEEK in Illinois.

Issued by Governor, October 1, 1998.

Filed by Secretary of State, October 8, 1998.

#### 98-578

##### PUERTO RICAN HERITAGE AND CULTURE WEEK

Whereas, the Puerto Rican Film, Heritage and Cultural Committee is dedicated to the preservation, cultivation, and sharing of the Puerto Rican culture; and Whereas, the Puerto Rican Film, Heritage and Cultural Committee provides scholarships to Hispanic and underprivileged youths within the Puerto Rican community; and

Whereas, with a population of more than 150,000 Puerto Ricans in Chicago and among the 300,000 in the State of Illinois, the Puerto Rican Film, Heritage and Culture Committee will assist the Hispanic community in maintaining, promoting and representing Puerto Rican ethnic and culture via community events; and Whereas, the Puerto Rican Film, Heritage and Culture Festival will present cultural as well as civic activities to the Chicago Hispanic community which will be beneficial in enriching Puerto Rican heritage and culture;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 16-22, 1998, as PUERTO RICAN HERITAGE AND CULTURE WEEK in Illinois.

Issued by Governor, October 1, 1998.

Filed by Secretary of State, October 8, 1998.

#### 98-579

##### SHERIFF FRANK YOCOM DAY



Whereas, Frank Yocom has dedicated his life to state and local government in Jersey County, Illinois; and  
 Whereas, Frank Yocom has served as a Jersey Township Trustee, a member of the Jersey County Board, and as Sheriff of Jersey County; and  
 Whereas, Sheriff Yocom is a dedicated law enforcement officer who has served Jersey County for 24 years;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 17, 1998, as SHERIFF FRANK YOCOM DAY in Illinois and commend Sheriff Yocom on more than 30 years of service to Illinois.

Issued by Governor, October 1, 1998.  
 Filed by Secretary of State, October 8, 1998.

98-580

**WILLIAM W. BOYINGTON DAY**

Whereas, October 16, 1998, is the 100th anniversary of the death of William W. Boyington; and

Whereas, Mr. Boyington - born July 22, 1818 in Southwick, Massachusetts, and relocated to Chicago in 1853 - earned fame for his skill as an architect; and  
 Whereas, William W. Boyington was a talented architect who erected the Water Tower Works (which survived the Great Chicago Fire), the Board of Trade Building, the Grand Pacific Hotel, the Sherman House, the Columbus Memorial, the Illinois State Penitentiary at Joliet, as well as Old Main at Lombard College in Galesburg; and  
 Whereas, William W. Boyington completed the construction of the Illinois State Capitol at Springfield (1885-1888) after the death of the French architect Alfred Henry Piquenard; and

Whereas, William W. Boyington finished the State Capitol with grand style and beauty, utilizing artistic painting and decoration in a most pleasing manner; and

Whereas, Mr. Boyington continued his architectural labors in Chicago where he built the Illinois State Building for the Columbian Exposition of 1893; and  
 Whereas, William W. Boyington twice served as mayor of Highland Park;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 16, 1998, as WILLIAM W. BOYINGTON DAY in Illinois.

Issued by Governor, October 1, 1998.  
 Filed by Secretary of State, October 8, 1998.

98-581

**WOLF AWARENESS WEEK**

Whereas, the wolf is a symbol of the wilderness and the natural environment; and

Whereas, wolves, like humans, are highly social animals that maintain close family groups; and

Whereas, the wolf was a common inhabitant of Illinois, but through bounties, over-harvest and loss of habitat, the wolf has almost disappeared from Illinois; and

Whereas, the growing environmental awareness from the benefits of maintaining biological diversity has raised public interest in the wolf; and

Whereas, wolf organizations and individuals promote better understanding of wolves through educational activities;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 13-24, 1998, as WOLF AWARENESS WEEK in Illinois.

Whereas, October is National Breast Cancer Awareness Month; and  
 Issued by Governor, October 1, 1998.  
 Filed by Secretary of State, October 8, 1998.

98-582

**BREAST CANCER AWARENESS MONTH AND MAMMOGRAPHY DAY**

Whereas, in 1998, over 9,000 Illinois women will be diagnosed as having breast cancer, the most common form of cancer in the world; and

Whereas, only about 11 percent of breast cancer cases in Illinois are detected at the earliest and most curable stage increasing the survival rate to approximately 96 percent; and

Whereas, breast cancer is a devastating disease but one that can be cured if detected early; and

Whereas, mammography is the single best method for detecting breast cancer in women; and

Whereas, research shows that deaths from breast cancer could be reduced by at least 30 percent if women follow breast cancer screening recommendations including routine mammography, regular examinations by a physician and monthly self-examinations; and

Whereas, First Lady Brenda Edgar is helping to lead public awareness efforts throughout the state in partnership with the Office of Women's Health at the Illinois Department of Public Health;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 1998 as BREAST CANCER AWARENESS MONTH and October 16, 1998, as MAMMOGRAPHY DAY in Illinois and encourage women throughout the state to protect themselves through early detection.

Issued by Governor, October 7, 1998.  
 Filed by Secretary of State, October 8, 1998.

98-583

**DR. MEAVE LEAKEY DAY**

Whereas, Dr. Meave Leakey is recognized as an outstanding expert in the field of paleoanthropology and is the head of the Division of Paleoanthropology of the National Museum of Kenya; and

Whereas, she has provided an understanding of the earliest human ancestors and their discovery in Eastern Africa; and

Whereas, she is sharing her discoveries, insights and scientific findings; and

Whereas, the Crow Canyon Archaeological Center, dedicated to Archaeological Research and Education, is hosting a reception and dinner on October 15, 1998, where Dr. Leakey will discuss "The Search and Discovery of Our Earliest Ancestors";

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 15, 1998, as DR. MEAVE LEAKEY DAY in Illinois in recognition of her extraordinary accomplishments and unflagging efforts in the study of human heritage.

Issued by Governor, October 7, 1998.  
 Filed by Secretary of State, October 8, 1998.

## 98-584

## EDUCATION WEEK

Whereas, American Education Week was established in 1921 for the purpose of informing the public about the accomplishments and needs of public schools; and Whereas, American Education Week seeks to secure the public's cooperation and support for public education; and

Whereas, Illinois' public schools provide young people with the tools they need to become productive and equitable citizens; and

Whereas, education employees -- be they custodians or teachers, bus drivers or librarians -- work tirelessly to serve our children and communities with care and professionalism; and

Whereas, American Education Week will increase public understanding and appreciation of Illinois schools, encourage parents and guardians to visit schools and build civic and community pride;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 15-21, 1998, as EDUCATION WEEK in Illinois in conjunction with American Education Week.

Issued by Governor, October 7, 1998.

Filed by Secretary of State, October 8, 1998.

## 98-585

## HISPANOCARE DAY

Whereas, Hispanocare was formed in 1988 by Illinois Masonic Medical Center to provide quality, cost effective healthcare to Chicago's Latino community in a culturally sensitive manner; and

Whereas, Hispanocare is a not-for-profit PPO network of nearly 300 bilingual providers, including a wide range of generalists and specialists, who can be accessed through the Physician Referral Line; and

Whereas, to fulfill its mission of community outreach, bilingual, bicultural, Hispanic user-friendly and quality healthcare, Hispanocare coordinates community health fairs where preventive services, testing and exams are offered free of charge; and

Whereas, another major component of Hispanocare's community outreach effort is educating the Latino community about their health and means of getting care through a radio talk show, calendars with reminders, and newsletters to keep members up-to-date on seasonal concerns; and

Whereas, Hispanocare sponsors scholarships of \$1,000 to benefit Latino students entering the health field; and

Whereas, although Hispanocare targets the Chicago Latino community, all services and educational activities are offered not only to Hispanocare members but to all residents of Chicago as well; and

Whereas, on November 14, 1998, Hispanocare, Inc. will celebrate its 10th annual gala "Nuestro Compromiso" at the Downtown Chicago Marriott;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 14, 1998, as HISPANOCARE DAY in Illinois.

Issued by Governor, October 7, 1998.

Filed by Secretary of State, October 8, 1998.

## 98-586

## HTC (SW) ANTHONY WAYNE KASKADDEN DAY

Whereas, Chief Petty Officer Anthony Wayne Kaskadden enlisted in the US Navy from his home in Moline, Illinois, on May 9, 1983; and

Whereas, the proficiency and expertise he has brought to challenging assignments has been an enormous asset to the Navy; and

Whereas, his record of conduct, performance and devotion to duty reflect his allegiance to the highest standards of the military profession; and

Whereas, Chief Petty Officer Kaskadden will retire following 16 years of loyal and dedicated service to the United States Navy; and

Whereas, after 16 years, Chief Petty Officer Kaskadden will retire from the United States Navy on February 28, 1999; and

Whereas, he will be honored at a retirement ceremony on January 8, 1999;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 8, 1999, as HTC (SW) ANTHONY WAYNE KASKADDEN DAY in Illinois.

Issued by Governor, October 7, 1998.

Filed by Secretary of State, October 8, 1998.

## 98-587

## MOTHER RUTH WHITTMON DAY

Whereas, Ruth Whittmon is the mother of the founder and pastor of the Greater Metropolitan Church of Christ; and

Whereas, Mother Ruth Whittmon is also an ordained minister and has served the Greater Metropolitan Church of Christ as an Assistant Pastor, Sunday School Teacher, and Woman's Department Leader; and

Whereas, Mother Ruth Whittmon has given the Greater Metropolitan Church of Christ 32 years of service;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 2, 1998, as MOTHER RUTH WHITTMON DAY in Illinois.

Issued by Governor, October 7, 1998.

Filed by Secretary of State, October 8, 1998.

## 98-588

## PREGNANCY AND INFANT LOSS AWARENESS MONTH

Whereas, the loss of a newborn child is often a difficult and traumatic event for a family; and

Whereas, healthcare providers across Illinois are raising awareness about infant loss and the impact it has on families and their communities; and

Whereas, the Touching, Outreach, Understanding, Comforting, and Helping Hand Program (T.O.U.C.H.) is a parental loss support program for parents who have experienced the death of a child through miscarriage, stillbirth, SIDS or other causes; and

Whereas, Bethany Hospital's T.O.U.C.H. program will sponsor its Seventh Annual Awareness Day to better train healthcare providers about infant loss;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 1998 as PREGNANCY AND INFANT LOSS AWARENESS MONTH in Illinois.

Issued by Governor, October 7, 1998.

Filed by Secretary of State, October 8, 1998.

## 98-589

## THE MONARCH AWARDS FOUNDATION DAY



Whereas, founded at Howard University in 1908, Alpha Kappa Alpha Sorority is America's first Greek-letter organization for Black women; and

Whereas, Alpha Kappa Alpha is currently comprised of more than 130,000 college-educated women in 850 chapters in 48 states; and

Whereas, the Monarch Awards Foundation was established in 1988 by the Xi Nu Omega Chapter of Alpha Kappa Alpha; and

Whereas, The Monarch Gala: "A Tribute to Black Men" is sponsored annually by the Monarch Awards Foundation to salute outstanding African-American men in the Chicago area whose contributions to their profession, community and mankind merit special recognition; and

Whereas, all money raised through this event is channeled back into the community for scholarships and donations to non-profit organizations involved in promoting international AIDS awareness and the need for Math/Science education;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 14, 1998, as THE MONARCH AWARDS FOUNDATION DAY in Illinois.

Issued by Governor, October 7, 1998.

Filed by Secretary of State, October 8, 1998.

98-590

## VETERANS OF FOREIGN WARS MOSELEY-LOEWE POST 998 DAY

Whereas, Captain Arthur Francis Moseley of Freeport served in the Spanish-American War, the Boer War and gave his life serving in World War I; and

Whereas, Sergeant Emmerson G. Loewe of the United States Marine Corps served in World War II and was killed in 1946; and

Whereas, Captain Arthur Francis Moseley and Sergeant Emmerson G. Loewe are the namesakes for the Veterans of Foreign Wars Moseley-Loewe Post 998; and

Whereas, the Moseley-Loewe Post 998 held its first meeting on November 2, 1922, when a group of veterans from World War I and the Spanish American War gathered to form a Veterans of Foreign Wars post; and

Whereas, the Moseley-Loewe Post 998 has served Freeport and the Illinois community with numerous service programs including flood relief, sponsorship to the Father Flanagan's Boys Town and care for numerous veteran cemeteries; and

Whereas, the Veterans of Foreign Wars Moseley-Loewe Post 998 is celebrating its 75th anniversary on October 18, 1998;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 18, 1998, as VETERANS OF FOREIGN WARS MOSELEY-LOEWE POST 998 DAY in Illinois and urge all citizens to be aware of the many worthwhile contributions this organization has made.

Issued by Governor, October 7, 1998.

Filed by Secretary of State, October 8, 1998.

98-591

## WORLD POPULATION AWARENESS WEEK

Whereas, the 21st Century offers enormous environmental and societal challenges for state and local governments that include diminishing farmland, urbanization, traffic congestion, inner city decay and climate change; and

Whereas, these challenges call for innovative leadership to ensure resource conservation, protection of open space, waste prevention, sanitation management

and a higher quality of life; and

Whereas, these challenges are inextricably linked to patterns of considerable demographic change, such as areas west of the Mississippi River doubling in population size as rapidly as Africa, the world's fastest growing continent; and

Whereas, the United State Bureau of the Census has stated that the current United State population of 267 million is on course to reach 400 million by the year 2050; and

Whereas, world population is projected to reach 6 billion before the end of this century and could reach between 8-12 billion, or even higher, before leveling off, with 98 percent of population growth now and through the foreseeable future projected to occur in the least developed countries of the world; and

Whereas, demographic problems are not limited to the least developed nations and, indeed, concern the United States and the industrialized world, with our consumptive lifestyle as well;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 24-31, 1998, as WORLD POPULATION AWARENESS WEEK in Illinois.

Issued by Governor, October 7, 1998.

Filed by Secretary of State, October 8, 1998.

98-592

## CHESTER HANSEN DAY

WHEREAS, Troop 51 was established in 1923 in Lombard, Illinois, and is presently in the 7th District of the Three Fires Council; and

WHEREAS, Troop 51 has served the community through projects such as Lombard Pride Clean-Up, Meals on Wheels, and creating an artificial reef in DuPage County; and

WHEREAS, Troop 51 has encouraged advancement, personal growth and leadership for the past 75 years; and

WHEREAS, Chester Hansen has provided 29 years of service and dedication to the Cub Scouts and Boy Scouts of Lombard; and

WHEREAS, as a member of Troop 51, Chester Hansen embodies phrases like trustworthy, loyal, helpful, friendly and courteous;

THHEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim October 19-24, 1998, as BOY SCOUTS OF AMERICA TROOP 51 WEEK and October 19, 1998, as CHESTER HANSEN DAY in Illinois.

Issued by Governor, October 8, 1998.

Filed by Secretary of State, October 19, 1998.

98-593

## JESSE OWENS DAY

WHEREAS, Jesse Owens was an athlete who symbolized the struggle against tyranny, poverty and racial bigotry; and

WHEREAS, the Jesse Owens Foundation embodies the ideals that Jesse Owens stood for as it crusades to promote the development of youth to their fullest potential; and

WHEREAS, the Jesse Owens Foundation awards scholarships to graduating high school seniors with untapped potential, especially those who are furthering their education in the fields of technical or creative arts and higher



education; and

WHEREAS, the Jesse Owens Foundation awards grants for not-for-profit organizations that assist young people in developing their talents as they become better citizens; and

WHEREAS, the Jesse Owens Foundation will hold its Eighth Annual Humanitarian and Community Service Awards Dinner at the Palmer House Hilton Hotel in Chicago, Illinois, on November 13, 1998; and

WHEREAS, Jackie Joyner-Kersey will be honored with the Jesse Owens Humanitarian Award for her development of leadership programs in urban areas across Illinois and for the construction of the Jackie Joyner-Kersey Youth Center Foundation in East St. Louis, Illinois; and

WHEREAS, Dr. Gloria Jackson Bacon will be honored with the Jesse Owens Community Service Award for her dedication to providing low-income families with quality medical care through The Clinic in Altgeld and her devotion to minority recruitment and retention at the university level;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim November 13, 1998, as JESSE OWENS DAY in Illinois.

Issued by Governor, October 8, 1998.

Filed by Secretary of State, October 19, 1998.

#### 98-594

##### COUNTRY MUSIC DAY

WHEREAS, the Illinois Country Music Association (ICMA) was founded to promote country, gospel, bluegrass, and western music, along with square and clog dancing in our state; and

WHEREAS, the ICMA believes in the entertainment of fans and the recognition of Illinois artists; and

WHEREAS, the ICMA is celebrating its ninth anniversary with a show and concert on October 18. During the show, the Illinois Country Music Entertainer of the Year, along with 31 other awards will be announced;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim October 18, 1998, as COUNTRY MUSIC DAY in Illinois.

Issued by Governor, October 9, 1998.

Filed by Secretary of State, October 19, 1998.

#### 98-595

##### DANVILLE VETERANS AFFAIRS MEDICAL CENTER DAY

WHEREAS, the Danville Branch of the National Home for Disabled Volunteer Soldiers was created by an act of Congress on June 4, 1897, and was opened on October 13, 1898; and

WHEREAS, in 1902 the Danville facility was staffed by eight trained female nurses, 27 male nurses and four doctors; and

WHEREAS, since its creation, the Danville Veterans Affairs Medical Center has had an unbroken history of providing excellent care and service to veterans; and

WHEREAS, the Danville Veterans Affairs Medical Center is celebrating its 100th anniversary; and

WHEREAS, the Danville Veterans Affairs Medical Center is preparing to enter the new millennium with the same high ideals and dedication it has brought to veterans since its inception;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim October 23, 1998, as DANVILLE VETERANS AFFAIRS MEDICAL CENTER DAY in Illinois.

Issued by Governor, October 13, 1998.

Filed by Secretary of State, October 19, 1998.

#### 98-596

##### LORAIN LADLEY DAY

WHEREAS, Loraine McMillan was born October 23, 1913, in Farmingdale, Illinois, the daughter of Albert and Katie McMillan; and

WHEREAS, on October 12, 1929, she married Roy Ladley; they were married for 67 years until his death. They made their home in Pleasant Plains, Illinois; and

WHEREAS, Loraine is the mother of three children and their spouses: Roy Stanley Ladley, Marjorie Loraine (Ladley) Kimmel, and Ronald Dean Ladley; and

WHEREAS, Loraine is the grandma of 10 grandchildren and their spouses; and

WHEREAS, Loraine, now known by many as G.G., which stands for Great Grandma, has 16 great-grandchildren plus at least one more new baby on the way and many other "adopted" grandkids because she is so dearly loved by all who know her; and

WHEREAS, for over 29 years, Loraine was a trusted, dedicated, and valuable employee of the First National Bank of Springfield where she supervised the proof department until she became the first woman teller in the bank's history; and

WHEREAS, Loraine was Worthy Matron of the Order of Eastern Star, a Queen of the Daughters of the Nile, and active in the Shrine Ansaresses; and

WHEREAS, for many years, Loraine has been actively involved the Cursillo renewal ministry, and an active member of the Cathedral Church of St. Paul where she is a layreader, usher, subdeacon and delivers communion to the sick; and

WHEREAS, Loraine's joyful disposition, her faith in God, and her service and love for people have made her an inspiration and a blessing to all who know her; and

WHEREAS, Loraine will be celebrating her 85th birthday with family members in Springfield, Illinois, at a party given in her honor;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim October 23, 1998, as LORAIN LADLEY DAY in Illinois.

Issued by Governor, October 13, 1998.

Filed by Secretary of State, October 19, 1998.

#### 98-597

##### MESSAGE THERAPY AWARENESS WEEK

WHEREAS, message therapy is an important part of healthcare and wellness prescribed to complement traditional methods of medical treatment for illness, injury, and pain; and

WHEREAS, consumers spend an estimated \$2 billion to \$4 billion annually on message therapy and insurance companies are increasingly covering it; and

WHEREAS, research has proved that message therapy is helpful in controlling pain, relieving stress and reducing heart rate and blood pressure; and

WHEREAS, message therapy also has benefited patients suffering from lower back pain, migraines, AIDS, cancer and numerous other diseases; and

WHEREAS, the American Massage Therapy Association (AMTA), an international professional association for massage therapists with 33,000 members, provides consumer and professional education on massage therapy;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim October 24-31, 1998, as MASSAGE THERAPY AWARENESS WEEK in Illinois.

Issued by Governor, October 13, 1998.

Filed by Secretary of State, October 19, 1998.

#### 98-598

##### ORA HIGGINS' YOUTH FOUNDATION DAY

WHEREAS, the Ora Higgins' Youth Foundation was founded in 1976 by Ora Higgins, a lady of great vision and dedication to the cause of higher education for academically gifted students; and

WHEREAS, the Foundation will commemorate the 22nd Anniversary of its annual Scholarship Award Dinner on Sunday, October 25, 1998, at the Lexington House in Chicago, Illinois; and

WHEREAS, the Foundation will present a \$1,000 Scholarship Award to each of 11 high school graduates pursuing post-secondary study at institutions of higher education; and

WHEREAS, the Foundation will present Leadership Awards to eight outstanding local professionals who have distinguished themselves through their contributions to the growth and development of today's urban youth; and

WHEREAS, the Foundation strives to convey to its annual Scholarship Award recipients that the elements of good-will, of productive labor, of mutual respect and of law and order are the foundation upon which to establish and maintain a stable society;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim October 25, 1998, as ORA HIGGINS' YOUTH FOUNDATION DAY in Illinois accompanied by my congratulations to both the Leadership and Scholarship Award recipients.

Issued by Governor, October 13, 1998.

Filed by Secretary of State, October 19, 1998.

#### 98-599

##### SLOVENIAN INDEPENDENCE DAY

WHEREAS, on October 17, 1998, Slovenians around the world will celebrate the 80th anniversary of the independence of their European homeland; and

WHEREAS, 1998 also marks the 48th anniversary of the Slovenian Radio Program in the Chicagoland area; and

WHEREAS, thousands of Americans of Slovenian descent have been living in Illinois for generations and have proudly shared their culture, heritage and talents with our state; and

WHEREAS, we are grateful for their significant contributions to the advancement of the arts, sciences, business, medicine, and education to our state and its citizens; and

WHEREAS, Slovenian Americans continue to preserve their traditions, take pride in the history of freedom, and believe in equality and human rights; and

WHEREAS, a special independence day program will take place on October 17, 1998;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim October 17, 1998, as SLOVENIAN INDEPENDENCE DAY in Illinois.

Issued by Governor, October 13, 1998.

Filed by Secretary of State, October 19, 1998.

Rules acted upon during the period from October 16 (Issue 42, 1998) through December 28, 1998 (Issue 52) are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 4401 published in Issue 40 will be listed as 50-4401-40. The letter "R" designates a rule that is being repealed. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or [jnatale@ccgate.sos.state.il.us](mailto:jnatale@ccgate.sos.state.il.us) (Internet address).

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